

CR-03-1173

COURT OF CRIMINAL APPEALS NO. _____

Appeal To Alabama Court of Criminal Appeals

FROM

Circuit Court of Russell County, Alabama

CIRCUIT COURT N CC-01-352.60-356.60

CIRCUIT JUDGE GEORGE R. GREENE

Type of Conviction/ Order Appealed From: RULE 32 PETITION

Sentence Imposed: PETITION DISMISSED

Defendant Indigent: ☒ YES ☐ NO

TERRY LIGON

Name of Appellant

TERRY LIGON #220217

(Appellant's Attorney)

(Telephone No.)

P.O. BOX 767

(Address)

CLAYTON

AL

36016

(City)

(State)

(Zip Code)

V.

STATE OF ALABAMA

Name of Appellee

(State represented by Attorney General)

NOTE: If municipal appeal, indicate above, and enter

name and address of municipal attorney below.

(For Court of Criminal Appeals Use Only)



v
>

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THE CIRCUIT COURT OF RUSSELL

JUDGE: GRG

VS

CASE: CC 2001 000352,60

P.O. BOX 767
CLAYTON, AL 36016 0000

CHARGE01: RULE 32-FELONY CODE01: RULE LIT: RULE 32-FELONY TYP: F #: 001
OFFENSE DATE: AGENCY/OFFICER: 01PL078

DATE ARRESTED: 12/23/2002
DATE FILED: 12/23/2002
DATE HEARING:
SURETIES:

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DATE 1:          DESC:          TIME: 0000
DATE 2:          DESC:          TIME: 0000

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TRACKING NOS:

TYPE:

TYPE:

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PROSECUTOR:

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H CSE: 00000000000000 CHK/TICKET NO: GRAND JURY: 142
URT REPORTER: _____ SID NO: 000000000
DEF STATUS: PRISON DEMAND: OPER: JOS

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TRANS DATE	ACTIONS, JUDGEMENTS, AND NOTES	OPE
10/30/2002	AFFIDAVIT OF SUBSTANTIAL HARDSHIP	JOS
10/31/2002	IN FORMA PAUPERIS DECLARATION	JOS
10/31/2002	PETITION FOR RELIEF FROM CONVICTION OR SENTENCE	JOS
12/02/2002	AFFIDAVIT OF SUBSTANTIAL HARDSHIP DENIED	JOS
12/04/2002	TRANSMITTAL NOTICE SENT TO DEFENDANT (AR09)	JOS
12/04/2002	ORDER THAT THE CLERK SHOULD NOT ACCEPT THE RULE	JOS
12/04/2002	32 PETITION FOR FILING UNTIL PETITIONER PAYS	JOS
12/04/2002	COURT COSTS OR THE COURT RULES ON HIS AFFIDAVIT	JOS
12/04/2002	OF SUBSTANTIAL HARDSHIP	JOS
12/04/2002	*****RULE 32 SHOULD NOT HAVE BEEN STAMP FILED***	JOS
12/05/2002	ORIGINAL RULE 32 PETITION RETURNED TO DEFENDANT	JOS
12/23/2002	IN FORMA PAUPERIS DECLARATION	JOS
03/12/2003	IN FORMA PAUPERIS DECLARATION GRANTED	JOS
03/12/2003	PETITION FOR RELIEF FROM CONVICTION OR SENTENCE	JOS
03/12/2003	AFFIDAVIT IN SUPPORT OF RULE 32 PETITION	JOS
03/12/2003	ANSWER TO RULE 32 PETITION	JOS
03/13/2003	TRANSMITTAL NOTICE SENT TO DEFENDANT (AR09)	JOS

03

ACRO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2001 000353.60
 OPER: JOS CASE ACTION SUMMARY
 PAGE: 1 CIRCUIT CRIMINAL RUN DATE: 05/07/2004
 THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

STATE OF ALABAMA VS LIGON TERRY
 220217
 P.O. BOX 767
 CASE: CC 2001 000353.60 CLAYTON, AL 36016 0000

DOB: 05/31/1958 SEX: M RACE: B HT: 5 11 WT: 190 HR: BRO EYES: BRO
 SSN: 255046446 ALIAS NAMES:

CHARGE01: RULE 32-FELONY CODE01: RULE LIT: RULE 32-FELONY TYP: F #: 001
 OFFENSE DATE: AGENCY/OFFICER: 01PL078

DATE WAR/CAP ISS. DATE ARRESTED:
 DATE INDICTED: 06/15/2001 DATE FILED: 12/12/2002
 DATE RELEASED: DATE HEARING:
 BOND AMOUNT: \$.00 SURETIES:

DATE 1: DESC: TIME: 0000
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DEF/ATY:

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PROSECUTOR:

TH CSE: 000000000000 CHK/TICKET NO: GRAND JURY: 143
 URT REPORTER: SID NO: 000000000
 DEF STATUS: PRISON DEMAND: OPER: JOS

TRANS DATE	ACTIONS, JUDGEMENTS, AND NOTES	OPE
10/30/2002	AFFIDAVIT OF SUBSTANTIAL HARDSHIP	JOS
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10/31/2002	PETITION FOR RELIEF FROM CONVICTION OR SENTENCE	JOS
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12/04/2002	ORDER THAT THE CLERK SHOULD NOT ACCEPT THE RULE	JOS
12/04/2002	32 PETITION FOR FILING UNTIL PETITIONER PAYS	JOS
12/04/2002	COURT COSTS OR THE COURT RULES ON HIS AFFIDAVIT	JOS
12/04/2002	OF SUBSTANTIAL HARDSHIP	JOS
12/04/2002	*****RULE 32 SHOULD NOT HAVE BEEN STAMP FILED***	JOS
12/05/2002	ORIGINAL RULE 32 PETITION RETURNED TO DEFENDANT	JOS
12/23/2002	IN FORMA PAUPERIS DECLARATION	JOS
03/12/2003	IN FORMA PAUPERIS DECLARATION GRANTED	JOS
03/12/2003	PETITION FOR RELIEF FROM CONVICTION OR SENTENCE	JOS
03/12/2003	AFFIDAVIT IN SUPPORT OF RULE 32 PETITION	JOS
03/12/2003	ANSWER TO RULE 32 PETITION	JOS
11/06/2003	MOTION FOR APPOINTMENT OF COUNSEL	JOS

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05

ACRO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2001 000354.60
 OPER: J05 CASE ACTION SUMMARY
 PAGE: 1 CIRCUIT CRIMINAL RUN DATE: 05/07/2004
 THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

STATE OF ALABAMA VS LIGON TERRY
 220217
 P.O. BOX 767
 CASE: CC 2001 000354.60 CLAYTON, AL 36016 0000

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 SSN: 255046446 ALIAS NAMES:

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 OFFENSE DATE: AGENCY/OFFICER: 01PL078

DATE WAR/CAP ISS: DATE ARRESTED:
 DATE INDICTED: 06/15/2001 DATE FILED: 12/23/2002
 DATE RELEASED: DATE HEARING:
 BOND AMOUNT: \$.00 SURETIES:

DATE 1: DESC: TIME: 0000
 DATE 2: DESC: TIME: 0000

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DEF/ATY:

TYPE:

TYPE:

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PROSECUTOR:

OTH CSE: 000000000000 CHK/TICKET NO: GRAND JURY: 144
 URT REPORTER: SID NO: 000000000
 DEF STATUS: PRISON DEMAND: OPER: J05

TRANS DATE	ACTIONS, JUDGEMENTS, AND NOTES	OPE
10/30/2002	AFFIDAVIT OF SUBSTANTIAL HARDSHIP	JOS
10/31/2002	IN FORMA PAUPERIS DECLARATION	JOS
10/31/2002	PETITION FOR RELIEF FROM CONVICTION OR SENTENCE	JOS
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03/12/2003	AFFIDAVIT IN SUPPORT OF RULE 32 PETITION	JOS
03/12/2003	ANSWER TO RULE 32 PETITION	JOS
11/06/2003	MOTION FOR APPOINTMENT OF COUNSEL	JOS

05/07/2004	CASE ACTION SUMMARY PRINTED	(AR08)	JOS
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ACRO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE : CC 2001 000355.60
 OPER: JOS CASE ACTION SUMMARY
 PAGE: 1 CIRCUIT CRIMINAL RUN DATE: 05/07/2004

THE CIRCUIT COURT OF RUSSELL

JUDGE: GRG

STATE OF ALABAMA

VS

LIGON TERRY

220217

CASE: CC 2001 000355.60

P.O. BOX 767

CLAYTON, AL 36016 0000

DOB: 05/31/1958 SEX: M RACE: B HT: 5 11 WT: 190 HR: BRO EYES: BRO
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PROSECUTOR:

OTH CSE: 000000000000 CHK/TICKET NO: GRAND JURY: 145
 URT REPORTER: SID NO: 000000000
 DEF STATUS: PRISON DEMAND: OPER: JOS

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03/12/2003	IN FORMA PAUPERIS DECLARATION GRANTED	JOS
03/12/2003	PETITION FOR RELIEF FROM CONVICTION OR SENTENCE	JOS
03/12/2003	AFFIDAVIT IN SUPPORT OF RULE 32 PETITION	JOS
03/12/2003	ANSWER TO RULE 32 PETITION	JOS
03/30/2004	ORDER OF DISMISSAL	JOS

JUDGE: GRG

VS

P.O. BOX 767
CLAYTON, AL 36016 0000

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03

ACRO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2001 000356.60
 OPER: J0S CASE ACTION SUMMARY
 PAGE: 1 CIRCUIT CRIMINAL RUN DATE: 05/07/2004

THE CIRCUIT COURT OF RUSSELL

JUDGE: GRG

STATE OF ALABAMA

VS

LIGON TERRY

220217

CASE: CC 2001 000356.60

P.O. BOX 767

CLAYTON, AL 36016 0000

DOB: 05/31/1958 SEX: M RACE: B HT: 5 11 WT: 190 HR: BRO EYES: BRO
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 OFFENSE DATE: AGENCY/OFFICER: 01PL078

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DATE ARRESTED:
 DATE FILED: 12/23/2002
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BOND AMOUNT: \$.00

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TIME: 0000
 TIME: 0000

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DEF/ATY:

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PROSECUTOR:

OTH CSE: 000000000000 CHK/TICKET NO: GRAND JURY: 146
 URT REPORTER: SID NO: 0000000000
 LF STATUS: PRISON DEMAND: OPER: J0S

TRANS DATE	ACTIONS, JUDGEMENTS, AND NOTES	OPE
10/30/2002	AFFIDAVIT OF SUBSTANTIAL HARDSHIP	JOS
10/31/2002	IN FORMA PAUPERIS DECLARATION	JOS
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11/06/2003	MOTION FOR APPOINTMENT OF COUNSEL	JOS

THE CIRCUIT COURT OF RUSSELL

JUDGE: GRG

vs

P.O. BOX 767

CLAYTON, AL 36016 0000

ALIAS NAMES:

[illegible]

State of Alabama
Unified Judicial System

Form C-10 Rev 8/88

AFFIDAVIT of SUBSTANTIAL
HARDSHIP and ORDER

Case Number

CC-01-354, 353, 352

IN THE CRACOST COURT OF RUSSELL COUNTYPlaintiff/State of Alabama v. Defendant TERRY LIGON

IN THE MATTER OF:

TYPE OF PROCEEDING: RULE 32 CHARGE: MURDER☐ CIVIL CASE--I, because of substantial hardship, am unable to pay the docket fee and service fees in this case. I request that payment of these fees be waived initially and taxed as costs at the conclusion of the case.☐ CIVIL CASE (such as paternity, support, termination of parental rights) -- I request an attorney be appointed for me.☒ CRIMINAL CASE--I am financially unable to hire an attorney and request that the Court appoint one for me.

AFFIDAVIT

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TA. Do you have a job or work for yourself? Yes ☒ No

Employer's name and address _____

How much money do you take home each week? + \$ _____

B. If unemployed, give month and year of last employment and amount earned per month 4/01 \$ \$400/moC. Does your husband or wife have a job? Yes ☒ NoEmployer's name and address N/AHow much money does he/she take home each week? + \$ - 0 -D. Do you receive money or benefits from any other source? Yes ☒ No

(Example: retirement pay, social security, workmen's compensation, unemployment compensation, food stamps, rent payments, interest, dividends, etc.)

How much do you receive each month? + \$ _____

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SA. Do you have any money in any bank, savings and loan, credit union, or any other place, including cash on hand? Yes ☒ No

Where? _____ How much? + \$ _____

B. Do you own anything else of value? (Land, house, boat, television, stereo, jewelry, car, truck, van, stocks, bonds, etc.) Yes ☒ NoWhat? _____ Total Value + \$ - 0 -D
E
P
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N
D
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N
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SA. Are you: ☒ Single ☐ Married ☐ Widowed ☐ Divorced ☐ Separated? Yes ☒ No

B. Do you have any dependents?

Who and what relationship? 5 children

What does it cost you to live each month?

\$ - 0 -

Creditor

Total Debt

Monthly Payment

Loans	- 0 -	- 0 -
Charge Accounts		
House or rent payments		
Alimony		
Support		
Car payment		
Groceries		
Utilities	- 0 -	- 0 -

In support of this request, I have answered the above questions relating to my ability to pay. I swear that these answers are true and reflect my present financial status. I understand that a false statement or answer to any questions in this affidavit will subject me to penalties for perjury.

I further understand and acknowledge that if the Court appoints an attorney to represent me, the Court may require me to pay the fees and expenses of my court-appointed counsel.

Sworn to and subscribed before me this

27th day of August 2005
Christina Downing
 Judge/Notary

Terry Ligon
 Affiant Signature

ORDER

IT IS ORDERED THAT THE FOREGOING REQUEST BE:

☐ GRANTED☒ DENIED

APPOINTMENT OF ATTORNEY:

IT IS THEREFORE, ORDERED AND ADJUDGED BY THE COURT THAT

_____, Attorney at Law, be and is hereby appointed as counsel to represent, assist and defend in this (these) case(s).

It is further ordered that the Court reserves the right and may order reimbursement of attorney's fees and expenses, approved by the Court and paid to the appointed counsel.

DONE this 2 day of Dec 2005

A. B.
 Judge

Case Number

CC	01	0356
ID	YR	NUMBER

(To be completed
by Court Clerk)

IN FORMA PAUPERIS DECLARATION

Circuit Court of Russell County

(Insert appropriate court)

TERRY LIGON
(Petitioner)

vs.

STATE OF ALABAMA
(Respondent(s))DECLARATION IN SUPPORT OF REQUEST TO PROCEED
IN FORMA PAUPERIS

I, Terry Ligon # 220217, declare that I am the petitioner in the above entitled case; that in support of my motion to proceed without being required to prepay fees, costs, or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to relief.

1. Are you presently employed? Yes ☐ No ☒

a. If the answer is "yes", state the amount of your salary or wages per month, and give the name and address of your employer.

b. If the answer is "no", state the date of last employment and the amount of the salary and wages per month which you received.

4/01
\$1400.00 / mo.

2. Have you received within the past twelve months any money from any of the following sources?

a. Business, profession, or other form of self-employment?

Yes ☐ No ☒

b. Rent payments, interest, or dividends?

Yes ☐ No ☒

c. Pensions, annuities, or life insurance payments?

Yes ☐ No ☒

d. Gifts or inheritances?

Yes ☐ No ☒

e. Any other sources?

Yes ☒ No ☐

FILED IN OFFICE
2005 OCT 31 PM 5:52
CLERK OF COURT

If the answer to any of the above is "yes", describe each source of money and state the amount received from each during the past twelve months.

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OCCASSIONAL MONEY ORDER FROM MY MOTHER
FOR \$20.00 TO USE ON THE CAUTION

3. Do you own cash, or do you have money in a checking or savings account?

Yes _____ No ☒

(Include any funds in prison accounts.)

If the answer is "yes", state the total value of the items owned.

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?

Yes _____ No ☒

If the answer is "yes", describe the property and state its approximate value.

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

NONE

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on 8/27/02
(Date)

Terry Lyon
Signature of Petitioner #220217

CERTIFICATE

I hereby certify that the petitioner herein has the sum of \$ 8.75 on account to his credit at the institution where he is confined. I further certify that petitioner likewise has the foregoing securities to his credit according to the records of said Ventura institution:

Unpaid, monthly telephone bill

8/12/02
DATE

[Signature]
AUTHORIZED OFFICER OF INSTITUTION

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AIG #: 220217

NAME: ELGON, PERRY

THESE FIGURES ARE AS OF: 08/28/2002

MONTH	# OF DAYS	AVG DAILY BALANCE	MONTHLY DEPOSITS
MAR	31	\$25.05	\$32.00
APR	30	\$20.17	\$140.00
MAY	31	\$20.90	\$100.00
JUN	30	\$19.26	\$70.00
JUL	31	\$32.74	\$160.00
AUG	28	\$12.37	\$65.00

PETITION FOR RELIEF FROM CONVICTION OR SENTENCE

16

(Pursuant to Rule 32,
Alabama Rules of Criminal Procedure)

Case Number

60 60

CC - 01 - 352-356
ID YR NUMBER

IN THE Circuit COURT OF Russell Co. ALABAMA

Terry Ligon vs. STATE of Alabama
Petitioner (Full Name) Respondent

[Indicate either the "State" or,
if filed in municipal court, the
name of the "Municipality"]

Prison Number 220217 Place of Confinement Uwintress Court Fac

County of conviction Russell Co. AL.

NOTICE: BEFORE COMPLETING THIS FORM, READ CAREFULLY
THE ACCOMPANYING INSTRUCTIONS.

1. Name and location (city and county) of court which entered the judgment of conviction or sentence under attack CIR COURT, Russell Co. Pitman City, AL.
2. Date of judgment of conviction NOV. 13, 2001
3. Length of sentence 25 yrs.
4. Nature of offense involved (all counts) MURDER - ASSAULT 1ST 1ST 4
5. What was your plea? (Check one)
 - (a) Guilty ☒
 - (b) Not guilty ☐
 - (c) Not guilty by reason of mental disease or defect ☐
 - (d) Not guilty and not guilty by reason of mental disease or defect ☐

17.

6. Kind of trial (Check one)

(a) Jury _____

(b) Judge only ☒

7. Did you testify at the trial?

Yes _____

No ☒

8. Did you appeal from the judgment of conviction?

Yes _____

No ☒

9. If you did appeal, answer the following:

(a) As to the state court to which you first appealed, give the following information:

(1) Name of court N/A

(2) Result _____

(3) Date of result _____

(b) If you appealed to any other court, then as to the second court to which you appealed, give the following information:

(1) Name of court N/A

(2) Result _____

(3) Date of result _____

(c) If you appealed to any other court, then as to the third court to which you appealed, give the following information:

(1) Name of court N/A

(2) Result _____

(3) Date of result _____

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

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Yes _____

No ☒

11. If your answer to Question 10 was "yes", then give the following information in regard to the first such petition, application, or motion you filed:

(a) (1) Name of court N/A

(2) Nature of proceeding _____

(3) Grounds raised _____

(attach additional sheets if necessary)

(4) Did you receive an evidentiary hearing on your petition, application, or motion?

Yes _____

No _____

(5) Result _____

(6) Date of result _____

(b) As to any second petition, application, or motion, give the same information:

(1) Name of court N/A

(2) Nature of proceeding _____

(3) Grounds raised _____

(attach additional sheets if necessary)

(4) Did you receive an evidentiary hearing on your petition, application, or motion?

Yes _____

No _____

(5) Result N/A

(6) Date of result _____

(c) As to any third petition, application, or motion, give the same information (attach additional sheets giving the same information for any subsequent petitions, applications, or motions):

(1) Name of court N/A

(3) Grounds raised _____

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(attach additional sheets if necessary)

(4) Did you receive an evidentiary hearing on your petition, application, or motion?

Yes _____

No _____

(5) Result _____

N/A

(6) Date of result _____

(d) Did you appeal to any appellate court the result of the action taken on any petition, application, or motion?

(1) First petition, etc.

Yes _____

No _____

(2) Second petition, etc.

Yes _____

No _____

(2) Third petition, etc.

Yes _____

No _____

ATTACH ADDITIONAL SHEETS GIVING THE SAME INFORMATION
FOR ANY SUBSEQUENT PETITIONS, APPLICATIONS, OR MOTIONS.

(e) If you did not appeal when you lost on any petition, application, or motion, explain briefly why you did not:

12. Specify every ground on which you claim that you are being held unlawfully, by placing a check mark on the appropriate line(s) below and providing the required information. Include all facts. If necessary, you may attach pages stating additional grounds and the facts supporting them.

GROUND S OF PETITION

Listed below are the possible grounds for relief under Rule 32. Check the ground(s) that apply in your case, and follow the instruction under the ground(s):

☒ A. The Constitution of the United States or of the State of Alabama requires a new trial, a new sentence proceeding, or other relief.

For your information, the following is a list of the most frequently raised claims of constitutional violation:

✓ (1) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.

(2) Conviction obtained by use of coerced confession.

(3) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.

(4) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.

(5) Conviction obtained by a violation of the privilege against self-incrimination.

(5) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.

(7) Conviction obtained by a violation of the protection against double jeopardy.

(8) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.

✓ (9) Denial of effective assistance of counsel.

This list is not a complete listing of all possible constitutional violations.

If you checked this ground of relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each constitutional violation that you claim, whether or not it is one of the nine listed above, and include under it each and every fact you feel supports this claim. Be specific and give details.

✓ B. The court was without jurisdiction to render the judgment or to impose the sentence.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

_____ C. The sentence imposed exceeds the maximum authorized by law, or is otherwise not authorized by law.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

_____ D. Petitioner is being held in custody after his sentence has expired.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

✓ E. Newly discovered material facts exist which require that the conviction or sentence be vacated by the court, because:

The facts relied upon were not known by petitioner or petitioner's counsel at the time of trial or sentencing or in time to file a post-trial motion pursuant to rule 24, or in time to be included in any previous collateral proceeding, and could not have been discovered by any of those times through the exercise of reasonable diligence; and

The facts are not merely cumulative to other facts that were known; and

The facts do not merely amount to impeachment evidence; and

If the facts had been known at the time of trial or sentencing, the result would probably have been different; and

✓ The facts establish that petitioner is innocent of the crime for which he was convicted or should not have received the sentence that he did.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

F. The petitioner failed to appeal within the prescribed time and that failure was without fault on petitioner's part.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

13. IMPORTANT NOTICE REGARDING ADDITIONAL PETITIONS RULE 32.2(b) LIMITS YOU TO ONLY ONE PETITION IN MOST CIRCUMSTANCES. IT PROVIDES:

"Successive Petitions. The court shall not grant relief on a second or successive petition on the same or similar grounds on behalf of the same petitioner. A second or successive petition on different grounds shall be denied unless the petitioner shows both that good cause exist why the new ground or grounds were not known or could not have been ascertained through reasonable diligence when the first petition was heard, and that failure to entertain the petition will result in a miscarriage of justice."

A. Other than an appeal to the Alabama Court of Criminal Appeals or the Alabama Supreme Court, have you filed in state court any petition attacking this conviction or sentence?

Yes _____

No ✓

B. If you checked "Yes," give the following information as to earlier petition attacking this conviction or sentence:

(a) Name of court _____

N/A

(b) Result _____

(c) Date of result _____

(attach additional sheets if necessary)

C. If you checked the "Yes" line in 13A, above, and this petition contains a different ground or grounds of relief from an earlier petition or petitions you filed, attach a separate sheet or sheets labeled: "EXPLANATION FOR NEW GROUND(S) OF RELIEF."

On the separate sheet(s) explain why "good cause exists why the new ground or grounds were not known or could not have been ascertained through reasonable diligence when the first petition was heard, and [why the] failure to entertain [this] petition will result in a miscarriage of justice."

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?

Yes _____

No ✓

15. Give the name and address, if known, of each attorney who represented you at the following stages of the case that resulted in the judgment under attack.

(a) At preliminary hearing _____

(b) At arraignment and plea _____

SONNY ARISTROW - ESC
806 14TH ST. PHOENIX CITY, AL. 36568

(c) At trial _____

SAME AS ABOVE

(d) At sentencing _____

" " "

(e) On appeal _____

N/A

(f) In any post-conviction proceeding _____

N/A

(g) On appeal from adverse ruling in a post-conviction proceeding _____

N/A

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

Yes ☒

No _____

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes _____

No ☒

(a) If so, give name and location of court which imposed sentence to be served in the future: _____

N/A

(b) And give date and length of sentence to be served in the future: _____

N/A

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes _____

No ☒

18. What date is this petition being mailed?

10/30/02

Wherefore, petitioner prays that the court grant petitioner relief to which he may be entitled in this proceeding.

PETITIONER'S VERIFICATION UNDER OATH
SUBJECT TO PENALTY FOR PERJURY

23

I swear (or affirm) under penalty of perjury that the foregoing is true and correct.

Executed on 10/18/02
(Date)

Terry Lyon
Signature of Petitioner

SWORN TO AND SUBSCRIBED before me this the 18th day of October, 2002

Patricia Brown
Notary Public

OR *

ATTORNEY'S VERIFICATION UNDER OATH
SUBJECT TO PENALTY FOR PERJURY

I Swear (or affirm) under penalty of perjury that, upon information and belief, the foregoing is true and correct. Executed on _____
(Date)

Signature of Petitioner's Attorney

SWORN TO AND SUBSCRIBED before me this the _____ day of _____, 19 _____.

Notary Public

Name and address of attorney representing petitioner
in this proceeding (if any)

* If petitioner is represented by counsel, Rule 32.6(a) permits either petitioner or counsel to verify the petition.

In the Circuit Court of Russell County,
Twenty-Ninth Judicial Circuit
State of Alabama 24

Terry Ligon, ⁴ 220217,
Petitioner,

- vs -

State of Alabama,
Respondent.

Cause No. CC-01-0356
CC-01-0352
CC-01-0353
CC-01-0354
CC-01-0355

Issues and Law Pertaining
To Rule 32 A.R.C.P. Petition
For Post-Conviction Relief

FILED IN OFFICE
20050831 PM 5:52
CLERK OF DISTRICT COURT

Comes now your Petitioner, Terry Ligon, pro-se, and petitions this Honorable Court for post-conviction relief in accordance with the Alabama Rules of Criminal Procedure, Rules of the Alabama Supreme Court and U.S. Constitutional Law, and in doing such respectfully states the following:

- 1.) That this Honorable Court has jurisdiction of the subject matter involved in the petition through Rule 32, A.R.C.P., specifically Rule 32.1 (a), Rule 32.1 (b); and Rule 32.1 (c);
- 2.) That your Petitioner would show this Honorable Court that he was convicted and sentenced in the above referenced case in violation of his 5th and 14th Amendment rights to U.S.

(cont.) - Constitution and Article I, Section 7 of the Alabama Constitution 1901, providing the Petitioner with the right to a fair criminal proceeding and in violation of Petitioner's 14th Amendment right to U.S. Constitution and Article I, Section 1, 6 and 22 of Alabama Constitution - 1901 providing Petitioner with Due Process of Law and Equal Protection of the Law:

3) That your Petitioner avers a jurisdictional defect by "judicial error" at his trial and sentencing that would render the proceedings null and void. An error of the character occurs when the judgment rendered and the sentence imposed is erroneous in some particular requiring it to be changed;

4) That the issues raised in this petition should not be dismissed under any rule precluding post-conviction relief based on any ground which could have been, but was not raised on appeal or a former motion for relief.

5) That failure to entertain and grant this petition will result in a miscarriage of justice, would cause harm over instances, would damage the integrity, reputation and fairness of the judicial process and would render the jurisdictional defect and post-conviction relief remedies meaningless. As stated in Rule 1.2,

(cont.) - Alabama Rules of Criminal Procedure, which provides in part, that the rules: "shall be construed to secure simplicity in procedure, fairness in administration and the elimination of unnecessary delay and expense, and to protect the rights of the individual, while preserving the public welfare," to which Petitioner respectfully asks apply to this case;

6) Petitioner would show the Honorable Court that he was wrongly indicted and convicted of "Murder", Section 13A-6-2 (a), Code of Alabama, 1975, as amended. Whereas the phrase: "what amounts to 'extreme indifference' depends on the circumstances of the particular case, but some shocking, outrageous or special heinousness must be shown." See: (Commentary on Section 13A-6-2) (emphasis petitioner's) And further the phrase that Petitioner unknowingly through his actions, "created a grave risk of death", for he too could have been killed or suffered serious physical injury, which contravenes the very statute he was indicted and convicted upon, defying the dictates of established law by the appellate courts of this state and the United States Supreme Court.

7) Petitioner would ask the Court to make allowance for the form, style and any mistakes in this petition as he is a pro-se litigant not formally trained in the judicial process, and to interpret the foregoing in the most liberal

- of terms.

8.) Attached to this Rule 32 petition are a letter from counsel who represented him at the proceedings in the case, dated May 22, 2002. Also, a hand written statement by Judge [redacted] how the victim's mother, and reduced typed written copy of that statement done by Sgt. R. Williams of the Phoenix City Police Department, dated April 2, 2001, and a copy of indictment # CC-01-356.

Issues/Claims Presented

- I.) The Constitution of the United States and the State of Alabama require that a new trial, a new sentencing proceeding and/or other relief be granted.
- II.) The trial court was without jurisdiction to render judgment or to impose sentence on Petitioner's indictment for murder.
- III.) The trial court was without jurisdiction to render judgment or to impose sentence in violation of the Double jeopardy clause of the United States Constitution.
- IV.) There was ineffective assistance of counsel in Petitioner's case delineated by Strickland v. Washington, 466 U.S. 668. (1984)

Issue I

23

I.

The Constitution of The United States
And The State of Alabama Require
That A New Trial, A New Sentencing
Proceeding And/or Other Relief Be Granted

Petitioner avers that a jurisdictional defect by "judicial error" occurred at his plea and sentencing hearing that would render the proceedings null and void.

The trial court never apprised Petitioner of the nature of the charge and the material elements of the offense to which the plea was offered. Therefore he did not have a full understanding of what he was pleading guilty to or what the specific offense of Murder in his indictment entailed. The trial court also never inquired of the State what evidence and facts they would rely on to sustain and validate a Murder conviction under Section 13A-6-2, Code of Alabama, 1975, as amended.

The Alabama Rules of Criminal Procedure are quite specific of the above requirements by the trial court when accepting a plea of guilty from a defendant. Rule 14.4 (a)(1)(i), A.R.C.P. has been addressed by the Committee Comments and states the following: ("require that the nature of the charge and the material elements of the offense be explained so that the defendant understands what he is accused of.") This provision is similar to Rule 11, Fed. R. C. P. ("Best notice of the true nature of the charge is the first and most universally recognized

Item I (continued)

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- requirement of due process - - -) Smith v O'Grady,
312 U.S. 329, 334, 61 S.Ct. 572, 574, 85 L.Ed. 834 (1941).
(emphasis Petitioner's)

Petitioner respectfully avers that without the material elements having been explained to him as to what constituted the violation of Section 13A-6-2, Code of Alabama, 1975, as amended, and that he accepted the plan, he now has been stigmatized as a Murderer, a person who intentionally sets-out to kill someone, and this is not the facts in this case. Had Petitioner known what the material elements were of what he was pleading guilty to, he would have objected most strongly to his attorney (appointed) and the trial court.

In Clark v. State, 274 Ala. 485, 488, 318 So.2d. 805, 807-808, (1974) the Court stated as to what would satisfy the taking of a plea: ("In a plea of guilty proceedings, the judge should undertake a factual inquiry to determine if the plea is voluntarily made with an understanding of the nature of the charge and the consequences of the plea. Further, the judge should be satisfied that there is a factual basis for the plea. The Court may meet this requirement by eliciting an in court statement from the defendant, by an in court statement from the district attorney or from the evidence.") (emphasis Petitioner's) The requirement of Clark and the Alabama Rules of Criminal Procedure were not met at Petitioner's plea of guilty hearing and for this reason he was denied his right to due process under the United States Constitution and the state of

Journal 1 (Continued)

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- Alabama.

It is well understood that the State has the burden of proving every element of the crime charged. Had the case gone to trial by jury the standard for the State would have been "proof beyond a reasonable doubt", but since the case was resolved in a plea of guilty the standard drops to "the preponderance of the evidence" and the facts stated, for the trial court to maintain the fairness in the judicial process all the while protecting the rights of the defendant, while preserving the public welfare. In this case the trial court only inquired and very cryptically as to injuries resulting from the accident, "who died?" The trial court did not inquire of the State what evidence or facts they would rely on to sustain a conviction for Murder under Section 13A-6-2, Code of Alabama, 1975.

Further, had the trial court gone over the indictment CC-01-0356 at the plea hearing it would have noticed that there is a mistake as to a violation of Section 13A-5-191, Code of Alabama, 1975, there is no such statute! Neither the Court, the District Attorney or the Attorney for Petitioner mentions this fact. Perhaps, maybe not a crucial fact, but nonetheless an erroneous fact. Rule 13.1, N.R.C.P. states what an indictment is: ("... an accusatory offense presented to the court by a grand jury, ...") Petitioner respectfully avers that if 13A-5-191 is not an offense then it is not indictable and the indictment above could be null and void.

Issue I (continued)

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Petitioner was indicted by a Grand Jury of Russell County, Alabama for the violations contained in Sections 13A-5-191(a) and 13A-6-2, Code of Alabama, 1975, indictment # CC-CI-356 (See copy attached). Assuming that 13A-5-191 is a typographical error and meant to be 32-5A-191, "Influence Under the Influence" for Petitioner cannot find a statute titled under 13A-5-191 Code of Alabama, 1975, and, of course, this was never brought to the trial court's attention, nor to Petitioner's attention by his appointed counsel. However, had the trial court requested of the State the facts and evidence they rely on to sustain a conviction for a Murder charge under Section 13A-6-2 (a)(2) this error in the indictment would have been noticed and an opportunity would have been apparent to discuss how one could be charged with the violation of Section 32-5A-191 resulting in a charge for Murder under Section 13A-6-2 Code of Alabama, 1975, for if both are to be strictly construed as they should be, they would contravert, contradict, the established rulings of similar cases by the appellate courts of the State of Alabama. (See: Fisher v. State, 257 Ala. 502, 60 So.2d 202 (1952); Adkins v. State, 55 Ala. App. 573, 90 So.2d 234, cert. denied, 205 Ala 700, 90 So.2d 235. Ex parte Murrell, 658 So.2d 347, 349 (Ala. 1993).).

Issue I (continued)

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If the Honorable Court will look at the statute in which Petitioner was convicted (Section 13A-6-2 (a)(2)) and give thought to the elements therein contained, it will see that Petitioner could not, by his actions or his mental state on the day of March 25, 2001, be guilty of violating said statute. For instance, the words "extreme indifference" require a knowledge, a conscious knowledge to a "high degree, one could almost say the words "with malice". Malice has always been an element of Murder from the common law, to the beginning of the Code of Alabama a century ago, however, the legislature did remove the word malice from the statute in amending Code of Alabama 1975, and substituted the word intent in its place. Yet, malice is assumed in Section 13A-6-2 (a)(2), for one cannot be guilty of Murder without it.

There is also another element in 13A-6-2 (a)(2) which shows why the Petitioner could not be guilty of violating said statute: ("of engaging" in conduct which creates a grave risk of death to a person other than himself. ")

Applying this statute to Petitioner's situation on March 25, 2001, defies any logic as to how he could be guilty of violating it. For it is impossible to find the sole fact that an intoxicated driver caused the death of another, while intoxicated imminence an intent to create a very high risk of death, or great bodily harm with the knowledge that death or great bodily harm was the probable result, obviously because an intoxicated

Issue II (continued)

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- accident could injure the drunk driver as well as the others. Driving while under the influence without any other extenuating circumstances, would not, could not, indicate an intent to create a high risk of death.

In the case, fortunately for Petitioner he was not injured. Unfortunately, and tragically too, a small child was killed as the result caused by the impact of Petitioner's vehicle crashing into the back of child's parent's car. The reports do not state whether the child was restrained by straps in the child's seat, only that he was in the seat and obviously struck his head against something hard to cause cranial damage. Did the seat brake-lose from its tie-down? This would be a fault of the manufacturing company and is a question that haunts the Petitioner constantly, and more than likely will the rest of his life. Petitioner's vehicle was a passenger truck type, while the victim's vehicle was a sub-compact type, it also was not mentioned in any of the reports whether anyone was wearing seat belts, all the necessary ingredients were present to cause a tragedy.

- alcohol, failure to use safety features and big car versus small car proved to be fatal. If Petitioner had no intent to murder anyone, this event on March 25, 2001, was an accident, there was not any more than that would show or indicate murder, the reports do state the concern showed by the Petitioner at the accident scene his concern as to the status of the child in the car is evident.

The state has to prove every element of the crime

Jesse T. (continued)

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changed, and had the trial court inquired of the State at the plea or sentencing hearing what evidence it would rely on to sustain a murder conviction it would have easily deduced that ^{the} necessary element of malice is not, ^{not} present on March 25, 2001, in this case and Petitioner requires a new trial, a new sentencing hearing, and/or other relief be granted by this Honorable Court.

For as stated by the Alabama Court of Criminal Appeals: ("A trial judge should also be satisfied that there is a factual basis for the plea.") See: Dingle v. State, 405 So.2d 530, (Ala. Cr. App. 1981); Lopez v. State, 429 So.2d 1135, (Ala. Cr. App. 1982); Alexander v. State, 453 So.2d 41 (Ala. Cr. App. 1984).

For the foregoing law and facts presented in Issue I Petitioner respectfully avers that he is due to have an evidentiary hearing whereby this petition for post-conviction relief be granted, for his plea of guilty could not have been voluntarily entered with the full knowledge of what the change entailed.

Issue II

35

The Trial Court was without jurisdiction
to Render Judgment or to Impose Sentences
on Petitioner's Indictment for Murder.

1. Alabama Code defines homicide thus: ("A person commits criminal homicide if he/she intentionally, knowingly, recklessly or with criminal negligence causes the death of another person.") Section 13A-6-1, Code of Alabama 1975, as amended. The commentary states that most of the definitions found in this section were adapted from the statutes of Michigan, New York and Texas and the proposed New Federal Criminal Code. Section 13A-1-2, Code of Alabama 1975, as amended.

Petitioner was convicted of Section 13A-6-2 (a)(2), "Murder." As discussed in Issue I previously, Petitioner did not have the requisite mens rea to be guilty of Murder. Also being charged in the indictment along with the above section, of a violation of Section 32-5A-191, assuming this was a typographical mistake, which would amount to driving under the influence. There was no statements in the reports by witnesses or police of Petitioner driving recklessly or even speeding when he ran into the back of the victim's car, which were waiting to make, or negotiating a turn off the same road as Petitioner. Murder is not the appropriate charge in this case.

In Ex parte Terry, 600 So. 2d 932 (Ala. 1992), the Alabama Supreme Court, in a discussion of the lesser offense

Issue II (Continued)

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- included in the offense of Murder based upon statutory maximum punishment, opined that vehicular homicide must fall on the continuum of homicides somewhere between manslaughter with a reckless culpable mental state and criminal negligent homicide.

The Alabama Supreme Court has also opined the following:

("A basic rule of review in a criminal case is that criminal statutes are to be strictly construed in favor of those persons sought to be subjected to their operation, i.e., defendants.") See: Schenker v. State 38 Ala. App. 573, 90 So.2d 234.

And further: In Burnette v. State, 807 So.2d 553 (Ala. Ct. App. 2001), ("Strict construction' a phrase bandied about in political campaigns, is a phrase that has real meaning to some. To others it appears to have meaning only so long as it can be applied to uphold an unconstitutional statute or a conviction. Historically, the narrowest or strictest construction is mandated for criminal statutes. That is simply a basic tenet of American jurisprudence.") (See: Ex parte Mutrie, 658 So. 2d 347, 349 (Ala. 1993). Barclay, Judge, in affirming the Burnette case at 591.)

As discussed in Issue I, the elements of 13A-6-2 do not comport to Petitioner's case therefore he should not have been indicted for Murder, but rather for the lesser included homicide. e.g. Vehicular homicide under Section 32-5a 192, Code of Alabama, 1975, as amended,

Issue II (Continued)

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- on criminal negligent homicide. As stated the legislature of Alabama adopted part of Section 13A-6-2 from the Michigan statute, when it amended the Code of Alabama, in 1980. In a similar case in Michigan before the Court of Appeals of Michigan, that Court stated ("without extenuating circumstances, the sole fact that a defendant drives while intoxicated and causes the death of another, does not constitute probable cause that the defendant acted with malice sufficient to charge him with second-degree murder.") See: State of Michigan v. Haeckel, 1996 Lexis. 54, Mich App. at p. 11.

Similarly, the Alabama appellate courts have opened the same concerning intoxicated drivers causing an accident which results in the death of someone. In Burnett v. State, 807 So. 2d 573, 580 (Ala. Cr. App. 2000) the Honorable Judge Baschke stated: ("The legislature has mandated that only when criminal negligence is aggravated does the behavior properly constitute a Class C felony mandating that level of punishment. Thus, a criminally negligent homicide under Section 13A-6-4 is a Class A misdemeanor, unless it is aggravated by a concomitant violation of Section 32-5A-191. i.e. it is criminally negligent homicide caused by driving a motor vehicle while under the influence. In that case, the homicide properly and constitutionally becomes a Class C felony. Section 13A-6-4(c). In the case of vehicular homicide, when the criminal negligence is aggravated by the

Issue II (continued)

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- commission of an illegal act while operating a vehicle or a vessel that causes the death, the act properly and constitutionally becomes a class C felony.") Id. ¶ 58.

The material elements of Vehicular Homicide, Section 32-5A-192, Code of Alabama, 1975 are:

1.) That a particular person is dead; Petitioner avers yes, that Khalil Sutton, died as a result of the accident;

2.) Defendant did unlawfully and unintentionally cause the death of a particular person with the/a vehicle; Petitioner was the driver of the vehicle that crashed into the back of the victim's car unintentionally and unlawfully while driving intoxicated.

3.) That the Defendant engaged in speeding, reckless driving, driving on the wrong side of the road i.e. or any state law or municipal ordinance applying to the operation of a vehicle or vessel. Petitioner was in violation of Section 32-5A-191, Driving Under the Influence.

4.) That the act was the proximate cause of death of a particular person. The forensic report stated that the victim died as a result of blunt force trauma to the head that the cause of death was from an accident. There was no culpable mental state that can be deduced from this case that Petitioner acted with malice to be convicted of homicide under Section 13A-6-2.

Issue II (Continued)

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- Therefore if the elements necessary for Murder, 13A-6-2 are not present in this case, yet the elements for Section 32-5A-192 are, it is only proper and constitutionally correct that Petitioner should have been indicted and convicted of Vehicular Homicide and not Murder, therefore this Honorable Court was without jurisdiction to render judgment and impose sentence based on a faulty/erroneous indictment.

Issue III

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The Trial Court Was Without Jurisdiction
To Render Judgment Or To Impose Sentence
In Violation of The Double Jeopardy
Clause of The U.S. Constitution.

Petitioner avers that this Court was without jurisdiction to render judgment or to impose sentence on his indictment for Assault 1st Degree because the Court of Criminal Appeals has opined that multiple convictions for violations of Section 32-5A-191, which is an adjunct to being indicted for 13A-6-20(a)(5) as the indictment read was committed by a single act, an automobile accident and that the convictions were obtained in contravention of double jeopardy clause, and, thus, were not valid and this error was not cured by the fact that he was sentenced to concurrent sentences.

A case on point with Petitioner's contention is that if he is guilty of Section 13A-6-20(a)(5) Code of Alabama, 1975, even though he had unintentionally injured the 4 people involved, he can only be convicted of one Assault because there was only one accident, one act. In Duke v. State, 675 So.2d 1365 the Court of Criminal Appeals reversed the case when the appellant was convicted of violating Section 32-10-2 Code of Alabama, 1975, for leaving the scene of an accident four times as four people were injured in the wagon in which his vehicle collided. The appellate court reversed

Issue III (Continued)

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- from a case decided by the Alabama Supreme Court, McKinney v. State, 511 So. 2d 220 (Ala. 1987). The Supreme Court applied the principles set-out in Blockburger v. United States, 284 U.S. 299, 52 L. Ed. 180, 26 A. Ed. 306 (1932) and its progeny and held that a single criminal act that causes injury to more than one person could constitute more than one offense and support more than one prosecution and conviction. However the Court stated, "To truly adopt the majority view - - - multiple convictions should be allowed only for crimes against persons." Id. at 225

Further, Blockburger held that, ("where the same act or transaction constitutes a violation of two distinct statutory provisions, the test to be applied to determine whether there are two offenses or only one is whether each provision requires proof of additional fact which the other does not.") 284 U.S. at 304, 52 L. Ed. at 182 (Emphasis added)

In this case the Petitioner was charged with violating two different statutes, however, he was convicted of violating four violations of the same statute, only one statute, and never was convicted of the other statute alleged to ^{be} violated, Section 32-5A-191, Code of Alabama, 1975. As a matter of fact he never received a ticket or citation etc. for said violation, yet the indictment all 5 include Section 32-5A-¹⁹¹~~191~~, assuming Indictment CC-01-356 is typographical error which claims a violation of Section 32A-5-191 Code of Alabama 1975, of which Petitioner cannot ^{find} any such statute in the law books.

Issue III (Continued)

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The Mekins case was decided by the Alabama Supreme Court in part by quoting from: R. Owens, Alabama's Minority Status: A Single Criminal Act Involving Multiple Persons Constitutes Only A Single Offense, 16 Crim. & Rev. 85 (1955-56)

wherefore your Petitioner is due to have a new sentencing hearing when he be sentenced accordingly after the four convictions are vacated and any other relief he may be entitled to, as the present state of having four convictions for Assault 1st Degree does violate the Double Jeopardy Clause of the United States Constitution and the Alabama Constitution 1901 as amended and would involve the Substantial Felony Offender Act should the Petitioner ever commit another offense in the future.

B.)

It is further averred by Petitioner that the crucial element other "deadly weapon" in the statute for Assault 1st Degree is that the victim sustain a "serious physical injury." A review of the medical reports in this case do not substantiate that any of the other occupants in the other vehicles had a "serious physical injury" that would warrant a charge, needless to say a conviction, for Assault 1st Degree. (See also attachments to this petition)

The appellate courts of Alabama have spoken on what constitutes "serious physical injury", and most certainly their opinions of our judges do not give rise to what the injuries were in the instant case. Tragically a child was killed, and Petitioner has to live with that.

Additionally the Court of Criminal Appeals has said: ("The fact there could have been complications from an injury is not enough") and ("While 'serious physical injury' does not require that death be likely, it does require a 'real hazard or death is imminent'"). Staylor v. State, 717 So. 2d 266 (Ala. Cr. App. 1998).

Prior decisions by the Court of Criminal Appeals have said that gunshot wounds, without more, are insufficient to meet the stringent standard of life-threatening, serious and protracted disfigurement or protracted loss or impairment of the function of any bodily organ. See: Lee v. State, 727 So. 2d 887 (Ala. Cr. App. 1998).

The evidence in this case as to all the assault charges (4) is not compelling to warrant such when applying the legal standard of a serious injury as defined by this court. While no one can doubt the depth of the loss of the infant to the family members the physical injuries do not rise to the level of "serious physical injury". The indictments charging Assault 1st Degree are due to be dismissed as the evidence does not comport with any of the elements and Petitioner is due an evidentiary hearing by this Honorable Court as Petitioner's attorney never explained what involves Assault 1st Degree nor did the Court inquire at the plea hearing.

Issue IV

44

Ineffective Assistance
of Counsel In Petitioner's Case
Delineated By Strickland vs.
Washington, 466 U.S. 668 (1984.)

A) Standard of Review:

In Strickland v. Washington, 466 U.S. 668, 104 L.Ed.2d 2052 80 & Ed.2d 674 (1984), the Supreme Court delineated the proper scope of review in examining a claim of ineffective assistance of counsel:

("A convicted felon making a claim of ineffective assistance of counsel must identify the act or omissions that are alleged not to have the result of reasonable judgment. The court must then determine whether, in light of all the circumstances, the identified acts were outside the wide range of professionally competent assistance. In making that determination, the court should keep in mind that counsel's function, as elaborated in prevailing professional norms is to make the adversarial testing process work in the particular case --- and make all significant decisions in the exercise of reasonable professional judgment.") Id. 69 (emphases petitioner's)

The United States Court of Appeals for the Eleventh Circuit interprets Strickland as meaning that in evaluating counsel's performance,

Issue II (continued)

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("the court must - - - determine whether, in light of all the circumstances, the identified acts or omissions were outside the wide range of professionally competent assistance. In making that determination, the court should keep in mind that counsel's function, as elaborated on preceding professional norms, is to make the adversarial testing process work in the particular case.") Smith v. Wainwright, 777 F.2d 609, 616, (11th Cir. 1985) (citing Strickland, 4CC U.S. at 690.) (emphasis petitioner's)

Strickland calls for a two-part test.

"First, the defendant must show that counsel's performance was deficient. This requires showing that counsel made errors so serious that counsel was not functioning as the counsel guaranteed the defendant by the Sixth Amendment. Second, the defendant must show that the deficient performance prejudiced the defense. This requires showing that counsel's errors were so serious as to deprive the defendant of a fair trial, a trial whose result is reliable." Id. at 687

Petitioner would show this Honorable Court that appointed counsel made the adversarial testing process meaningless in the representation of him. For instance one of the reports submitted by the State states that Petitioner was speeding between 63 and 76 miles per hour when he crashed into the back of the victim's car. If this were true

Issue II (continued)

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it gave rise for the State to claim that he was driving in a reckless manner. In the report the speed was calculated, determined by the positions of the vehicles and the distance between them. However, when the police arrived on the scene and before any measurements were taken, the police made the Petitioner move his vehicle off to the side of the road, and later took the measurement so that the speed of Petitioner's vehicle could be determined.

The report does not reflect an accurate determination of Petitioner's speed when he crashed into the victim's car. Petitioner was not speeding or driving in an reckless manner, and counsel could have given a very viable argument to the State as to the charge of murder.

Recklessness as defined in Section 13A-6-1, Code of Ala. 1975, as amended in "universal malice murder"; "depraved heart murder" and requires the prosecution to prove conduct that manifests an extreme indifference to human life and not to life of any particular person. Further in reading the commentary section of title 13 on "Reckless Murder" it states that, "the legislative intent or purpose of this section is to embrace those homicides caused by such acts as shooting a firearm into a crowd of people, throwing a timber from a roof onto a crowded street or driving an automobile in a grossly

Issue IV (continued)

- wanton manner."

Further in Jordan v. State 486 So. 2d 482, 483 the court stated: (" Depending on the situation, drunk driving, maybe - - - a circumstance that a jury could find "manifest extreme indifference to human life") citing; Walden v Commonwealth, 805 S.W. 2d 102, 105, (Ky. 1981), however the court in Jordan went further and stated that (" to support a conviction for reckless murder, must involve something more than simply driving after having consumed alcohol and becoming involved in a collision. As noted 13A-6-2(a)(2) contemplated conduct that is the culpable equivalent of intentional murder.") Id. c 483

Had counsel for the Petitioner argued this the State may have changed its position, but most important had counsel apprised the trial court of these facts and law the court would have had to ascertain more information before accepting a plea to the Murder and Assault 1st Degree indictments.

Counsel never formulated a defense for Petitioner if the case would have gone to trial. He never checked the reports or had an in-depth discussion with your Petitioner concerning the accident, otherwise if he had he would have been told that Petitioner was told to move his vehicle further away from the scene whereby the speed limit he was doing was erroneously calculated.

James IV (continued)

48

Counsel never told Petitioner the material elements of the charge of Murder and Assault 1st Degree, rather he persuaded Petitioner to take the plea and sentence offered by the State, otherwise he would get 99 years or life. It must be noted that Petitioner has a limited reading ability and also comprehension of certain words in the legal sense, he did not complete high school, going as far as the 9th and 10th grade before dropping out.

When Petitioner signed the plea agreement form in counsel's office, it was read to him, he does not know if it was read in its entirety to him. However, attached to this Rule 32 petition is a copy of a letter sent to Petitioner that is self-explanatory on its face. It is clear that from the issues presented in Rule 32 petition and the law and facts herein presented that counsel was not inclined to make the adversarial testing process work in this particular case. Perhaps, as stated earlier a person was killed in this accident, a small child, a tragedy for sure, but there were no other serious physical injuries to the adults involved. Also attached is a statement by the deceased mother, which was later transcribed by the police. In the written statement the mother speaks of being emotionally hurt by a statement the E.M.T. (emergency medical technician) made concerning her sister while they both were lying in the ambulance.

Issue IV (Continued)

43

In part that statement by the Mother says that: (The E.M.T. Johnny —) (cannot make out last name) said he thought her sister was faking. The typed report (police) leaves this portion of the hand written statement by the mother out. Counsel never said anything to Petitioner concerning this statement, at the court. The medical reports confirm that there was no serious physical injuries suffered by any of the occupants of the victim's car, only the infant, which resulted in death. How does counsel justify a charge of assault 1st Degree (four counts) without the element of serious physical injury?

It is clear that Petitioner has presented to this Honorable Court in this petition for post-conviction relief that a manifest injustice has been done to him for he is not guilty of Murder or of Assault 1st Degree as set-out in the criminal code and because of the facts in this case and the law this Honorable Court should set and evidentiary hearing for further fact-finding and testimony. Counsel for your Petitioner was not the counsel guaranteed by the United States Constitution or the Alabama Constitution 1901. See also: Johnson v. Kemp, 759 F.2d 1543 (11th Cir. 1985) (a case that involves counsel's performance at the sentencing hearing.)

Respectfully submitted,

on this 30th day of October, Terry L. Gibson

TCC2.

TERRY L. GIBSON, #220217

WITNESS STATEMENT

CASE# 01PL07810INVESTIGATOR(S) Sgt. A. Williams

I, Laurenda Law, am willing to make this statement of my own free will without hope of reward or fear of punishment. I further consent to answer any questions that may be asked of me by Investigator(s) Williams. No promises or threats have been made to/against me. No pressure or coercion of any kind have been used against me in obtaining this statement.

On March 25, 2001 my sister Laurenda Law, my brother Jonathan Law, my nephew Cornelius Law, my son Daniel Sutton, or myself were traveling down State Rd and made a left on 1165 highway. As I proceeded up the hill I turned my signal light on to make a left turn at 47A highway lks. (That's the address) ~~But~~ I had made a complete stop, but before I could turn

~~I~~ cannot read and have read the above statement and further affirm that it is the truth.

1. Was the above statement written by an investigator at the request of the witness?
☐ Yes ☒ No
2. Can the witness read? ☒ Yes ☐ No Write? ☒ Yes ☐ No
3. Was the witness given the opportunity to write the above statement him/her self?
☒ Yes ☐ No

Witness Signature Laurenda Law Date 4-2-01

Investigator (s) Sgt. A. Williams

EXHIBIT "A"

STATEMENT M (CONT)
CASE NUMBER

PAGE

51

A white Chevy Blazer hit me from behind spinning me 90 degrees at least 4 times. I jumped out of the vehicle and tried to open the passenger door which was my sister's door, then the passenger back door which was my son's door. Unfortunately neither door would open so I ran to the passenger back door and hit it with my shoulder. By that time traffic stopped and people were calling the police and ambulance. It took them a while to get there but when they arrived they put my son in an ambulance and me and my sister followed him while in the ambulance. EMT Johnny made a cruel statement towards my sister that hurt me emotionally. He stated that she was lying. At a time like that, knowing in my heart my son was hurt, that was something that shouldn't have been said.

WITNESS/DEFENDANT/SUSPECT

INVESTIGATOR(S)

Zagunmaw J. J.

Sgt. A. H. A.

Interview Supplement

1. Interview of: Taquonna Law
 - . Case Number: 01PL07810
 3. Date: 04/02/01
 4. Time: 1130 hrs (MT)
 5. Report By: Sgt. A. Williams
-

On Monday , 04/02/01 ,
at/around 1130 hrs , Sgt. Williams interviewed Taquonna concerning the
investigation of the traffic accident she was involved in on Hwy 165.

Ms. Law's statement was reduced to a written statement which Ms.
Law was given an opportunity to review, after which she signed the statement,
indicating that it was an accurate representation of her conversation with
Sgt. Williams
(refer to statement for details).

The following pertinent information relevant to this
investigation was obtained during this interview:

BEGIN STATEMENT:

On March 25, 2001 my sister Lawanda Law, my brother Jonathan Law,
my nephew Cornelius Law, my son Khalil Sutton, and myself were traveling
down Seale Rd. and made a left turn on Hwy 165. As I proceeded up the
hill, I turned my signal light on to make a left turn at 47A Hwy 165. I
had made a complete stop, but before I could turn, a white Chevy Blazer
hit me from behind spinning the 91 Saturn at least 4 times. I jumped out
of the vehicle and tried to open the passenger door which was my
sister's door and then the back passenger door which was my son's door.
Unfortunately neither door would open. So I ran to the passenger back
door and let Jonathan and Cornelius out. By that time traffic stopped
and people were calling the police and ambulance. It took them a while to get
there, but when they finally did, they put my son in an ambulance and me and
my sister followed.

END OF STATEMENT.

EXHIBIT "B"

ARMSTRONG & GRAY, P.C.

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

53

1619 BROAD STREET
PHENIX CITY, ALABAMA 36867
Telephone: (334) 291-0410
Telecopier: (334) 291-0411

JEREMY W. ARMSTRONG
WALTER L. GRAY, III

J.C. PERDUE
OF COUNSEL

May 22, 2002

MAILING ADDRESS

POST OFFICE BOX 3409
PHENIX CITY, ALABAMA
36868-3409

Ventress Correctional Facility
ATTN: Inmate Terry Ligon AIS #220217
Post Office Box 767
Clayton, Alabama 36016

RE: Response to Letters

Dear Mr. Ligon,

I have received your letters dated April 11, 2002, and April 19, 2002. Please find enclosed a copy of the entire discovery that I received in your case. I enclose this material as a courtesy to you. The normal procedure in the filing of a Rule 32 is to file said post-conviction petition in the circuit court in which you were convicted. Simultaneously, you can file an indigent affidavit and, if approved, then you can get copies of the court file. Now, since you are filing a Rule 32 petition, I can only assume that the petition will address ineffective assistance of counsel. Since that petition would place you and me in conflict with one another, I will not be providing you with any additional information beyond discovery in your case.

I must advise you that you did enter into a plea agreement where you plead to four (4) counts of Assault First Degree and received eight (8) years for each count. Also, you plead guilty to one (1) count of Murder and received a twenty-five (25) year sentence. In the plea agreement, all sentences are to run concurrent with one another. Additionally, I must advise you that in the plea agreement, you agreed to not appeal your conviction and sentence in any form or fashion. The plea agreement states that if you do appeal your conviction and sentence, the plea agreement will be considered null and void, and all cases will be added to the next available trial docket. In other words, the State of Alabama will proceed to trial on all charges and, if convicted, you face up to twenty (20) years on each assault count and up to LIFE on the murder count.

Mr. Ligon, I discussed all these matter extensively with you before you entered your plea. I discussed with you the strength of the prosecution's case and advised you that there was a strong likelihood of conviction. I advised you even though the prosecution had a strong case, you did have the right to proceed to trial and present any valid defenses, present any evidence, cross-examine any witness, and that you could testify in your own behalf. You chose to enter the plea of guilty based on the offer we received from the State of Alabama. I also warned you that once you get in the

EXHIBIT "C"

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Department of Corrections, beware of what is commonly referred to as "jailhouse lawyers." It is obvious that, even though I warned you of jailhouse lawyers, you have fallen prey to this scheme. Mr. Ligon, the likelihood of you succeeding on a Rule 32 petition is slim to none. When you fail to succeed on such petition, then all you have done is set yourself up on the possibility of receiving a LIFE sentence on the murder charge. It was clear from sentencing with Judge Greene, that if you were convicted by a jury, he would have given you a LIFE sentence. When this happens, you will be wishing you still had a twenty-five (25) year sentence; however, by then, it will be too late.

I am advising you that it is not in your best interest to file any type of appeal in this matter. I wish you luck in any decision you make in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "J.W. Armstrong", with a stylized, flowing script.

JEREMY W. ARMSTRONG

Agency No. 01PL07810

CC No. 01-669

CC No. _____

C. J. No. 146SU04

55

A TRUE BILL, presented to the judge Presiding in open Court by the Foreperson of this Grand Jury, and filed in open court this 15th day of June, 2001.

Annie Jones
Grand Jury Foreman

Kathy Coulter
Clerk of the Circuit Court
of Russell County
Twenty-Sixth Judicial Circuit

CC-01-356

INDICTMENT

THE STATE OF ALABAMA

vs.

TERRY LIGON

SID:

alias

None Reported

CHARGES:

1. MURDER

SECTION

Bail fixed at \$ 60,000 this 15 day of June, 2001.

[Signature]
Judge Presiding

THE STATE OF ALABAMA
RUSSELL COUNTY

CIRCUIT COURT
2001

103

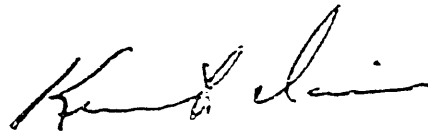
Prosecutor: KENNETH DAVIS

EXHIBIT "D"
KENNETH DAVIS
DISTRICT ATTORNEY
TWENTY-SIXTH JUDICIAL

THE STATE OF ALABAMA, Russell COUNTY
Circuit Court - Twenty-Sixth Judicial Circuit

COUNT 1

The Grand Jury of said county charge that, before the finding of this indictment, TERRY LIGON, whose true name is otherwise unknown to the Grand Jury, did recklessly engage in conduct which manifested extreme indifference to human life and created a grave risk of death to a person other than the said TERRY LIGON, and did thereby cause the death of KHALIL SUTTON, by operating a motor vehicle While under the influence of alcohol or drugs or a combination thereof in violation of Section 13A-5-191 of the Code of Alabama 1975, as amended and thereby striking with his vehicle a vehicle in which the said Khalil Sutton was a passenger, in violation of Section 13A-6-2 of the Code of Alabama 1975, as amended, and against the peace and dignity of the State of Alabama.



KENNETH DAVIS
District Attorney
Twenty-Sixth Judicial Circuit

WITNESSES:

CRAIG BAILEY, ADFS, P. O. BOX 210516, MONTGOMERY, AL 36121
BETERNIA BAKER, 500 5TH AVENUE, APT 511-A, COLUMBUS, GA 31901
DR. BEN L. BRISTOL, P. O. BOX 240391, MONTGOMERY, AL 36124
OFFICER J. FREEMAN, PCPD, PHENIX CITY, AL 36867
LAB PERSONNEL, , ,
SGT. BARBARA LAGRAN, PCPD, PHENIX CITY, AL 36868
JONATHAN LAW, 807 PINELAKE DRIVE, APT. B-1, MONTEZUMA, GA 31063
LAKESHA LAW, 454 5TH AVENUE, APT. 408-C, COLUMBUS, GA 31901
LAWANDA LAW, 2514 SOUTH SEALE ROAD, APT. C-3, PHENIX CITY, AL 36867
TAQUONNA LAW, 1030 FARR ROAD, LOT 15, COLUMBUS, GA 31907
SGT. R. LAWRENCE, PCPD, PHENIX CITY, AL 36867
LT. LONG, PCPD, PHENIX CITY, AL 36867
TROOPER CHARLTON MARTIN, 1220 FOXRUN PKWY, BLDG A-3, OPELIKA, AL 36801
LT. B. MCGARR, PCPD, PHENIX CITY, AL 36867
OFFICER W. MCLOUGHLIN, PCPD, PHENIX CITY, AL 36867
SGT. SOCRATES MILES, PCPD, PHENIX CITY, AL 36867
PAULA PATRICK, EMERGENCY ROOM, COLUMBUS MEDICAL CENTER, COLUMBUS, GA 31901
SGT. D. STOKES, PCPD, PHENIX CITY, AL 36867
SGT. ANDY WILLIAMS, PCPD, PHENIX CITY, AL 36867

75
TERRY LEEON
220217 - DASH 88
Vestress Core. FAC,
P.O. Box 767
CLAYTON, AL. 36016

THIS CORRESPONDENCE IS
FROM AN ALABAMA
CONTENTS HAVE NOT
AND THE ALABAMA
CORRECTIONS IS NOT
THE SUBSTANCE OF
ENCLOSED COPY

First
MAIL

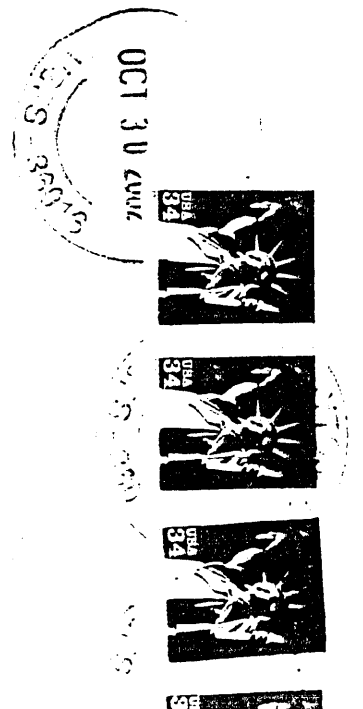
To:

THE CLERK OF THE COURT
CLERK OF COURT OF Russell County
Hon. KATY COULTER,
P.O. Box 518
501 14TH STREET
PHENIX CITY, AL.

3LF66-0518

First

MAIL



58

The Circuit Clerk should not
Accept The Rule 32 Petition
for filing until Petitioner pays Court costs
or The Court Rules or his Affidavit
of Substantial Hardship.

FILED IN OFFICE
AUG 25 2005

12-5-02 Original Petition sent back to Deb / JBS

53

October 30, 2002

Clark of the Court

Circuit Court of Kane County

FILED IN OFFICE
THU DEC 23 PM 2:38

Re: CC-01 0352.60

" 01-0353.60

" 01-0354.60

" 01-0355.60

" 01-0356.60

Dear Clerk of the Court:

Enclosed please find for your filing in the above referenced case the following:

- 1.) Cover sheet,
 - 2.) Affidavit of Indigency,
 - 3.) In Forma Pauperis Declaration
 - 4.) Rule 32, petition for post-conviction relief with
 - 5.) attached issues and law pertaining to Rule 32 -
- also please find attachments to serve as example or exhibit for the Court.

- A) written statement of Taguanna Law
- B) the police typed statement of Taguanna Law
- C) letter of Jimmy Lembo, Attorney dated 7/22/02
- D) copy of indictment CC-01-0356

I pray all as in order for your filing & thank you for your time and consideration in this matter.

Respectfully,

Terry L. Goss

5-220-17, PO Box 767, Olympe, IL 61051

December 20, 2002

60

FILED IN OFFICE

2002 DEC 23 PM 2:37

Honorable Kathy Conner

Clerk of the Court

Circuit Court of Howard County

P.O. Box 515

P.O. Box 515, Ellicott City, MD 21038

Dear Mrs. Conner:

Enclosed please find three (3) copies of my Rule 32 petition originally filed in your Court on October 31, 2002. I am sorry for filing only one copy at that time but truly it is not my fault. The law library clerk, here at Ventana, who only gave you 1 Rule 32 form and would not provide copies if you are indigent, you must pay \$50/page for copies. I do not have that kind of money at this time. However, I did prevail upon a friend to provide the necessary copying for me. I do pray as is in case and that this petition may go forward now. I thank you for your time and consideration in this matter and take this opportunity to wish you and your family a very Merry Christmas and a New Year filled with God's Blessings.

Thank you for everything.

Respectfully,

Terry Hagan 12/19/02

Terry Hagan

St. Louis, MO 63107 - 314-881-1111

C.C.T.

P.O. Box 161

St. Louis, MO 63102

Case Number 61

CC 01 0356
ID YR NUMBER
(To be completed
by Court Clerk)

IN FORMA PAUPERIS DECLARATION

Circuit Court of Russell County
(Insert appropriate court)

TERRY LIGON
(Petitioner)

vs.

STATE OF ALABAMA
(Respondent(s))

DECLARATION IN SUPPORT OF REQUEST TO PROCEED
IN FORMA PAUPERIS

FILED IN OFFICE
2007 DEC 23 AM 10:41

I, TERRY LIGON # 220217, declare that I am the petitioner in the above entitled case; that in support of my motion to proceed without being required to prepay fees, costs, or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to relief.

1. Are you presently employed? Yes _____ No ✓

a. If the answer is "yes", state the amount of your salary or wages per month, and give the name and address of your employer.

b. If the answer is "no", state the date of last employment and the amount of the salary and wages per month which you received.

4/01
\$400.00

2. Have you received within the past twelve months any money from any of the following sources?

a. Business, profession, or other form of self-employment?

Yes _____ No ✓

b. Rent payments, interest, or dividends?

Yes _____ No ✓

c. Pensions, annuities, or life insurance payments?

Yes _____ No ✓

d. Gifts or inheritances?

Yes _____ No ✓

e. Any other sources?

Yes ✓ No _____

3/12/03 - Motion granted
66

If the answer to any of the above is "yes", describe each source of money and state the amount received from each during the past twelve months.

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OCCASIONAL MONEY ORDER FROM MY MOTHER
FOR \$20.00 TO USE ON THE CANTEN

3. Do you own cash, or do you have money in a checking or savings account?

Yes _____ No ☒

(Include any funds in prison accounts.)

If the answer is "yes", state the total value of the items owned.

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?

Yes _____ No ☒

If the answer is "yes", describe the property and state its approximate value.

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

NONE

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on 8/27/02
(Date)

Terry Ligon
Signature of Petitioner # 220217

CERTIFICATE

I hereby certify that the petitioner herein has the sum of \$ 8.75 on account to his credit at the institution where he is confined. I further certify that petitioner likewise has the foregoing securities to his credit according to the records of said Ventura institution:

Unpaid monthly telephone bill

8/27/02
DATE

[Signature]
AUTHORIZED OFFICER OF INSTITUTION

CENTRAL CORE 1A

ATTN: 220217

NAME: LIGON, FERRY

63

THESE FIGURES ARE AS OF: 08/24/2005

MONTH	# OF DAYS	AVG DAILY BALANCE	MONTHLY DEPOSITS
MAR	31	\$25.05	\$32.00
APR	30	\$20.17	\$140.00
MAY	31	\$20.90	\$100.00
JUN	30	\$19.25	\$70.00
JUL	31	\$32.74	\$160.00
AUG	28	\$12.37	\$65.00

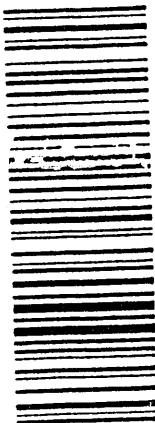
61

RETURN RECEIPT REQUESTED
THIS CORRESPONDENCE IS FORWARDED FROM AN ALABAMA STATE PRISON. THE CONTENTS HAVE NOT BEEN EVALUATED AND THE ALABAMA DEPARTMENT OF CORRECTIONS IS NOT RESPONSIBLE FOR THE SUBSTANCE OR CONTENT OF THE ENCLOSED COMMUNICATION

FROM
TERRY L. LISON
440217 - 2-88
VICTIMS CARE UNIT
P.O. Box 5167
CLAYTON, AL 36016-0767

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF RETURN ADDRESS, SOLD AT DOTTED LINE

CERTIFIED MAIL



7000 0520 0013 6412 9091

RETURN RECEIPT REQUESTED

RETURN RECEIPT REQUESTED

RETURN RECEIPT REQUESTED

2002 DEC 23 PM 2:38
CIRCUIT/DIST. COURT
RUSSELL CO., AL

To: KATHY COULTER

CLERK OF THE COURT

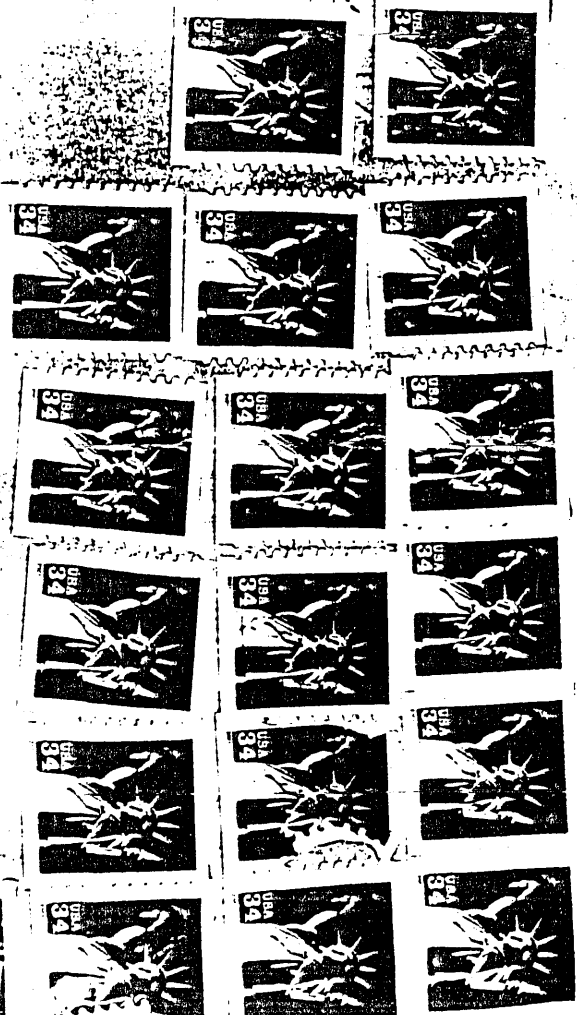
CLERK OF COURT OF RUSSELL COUNTY

P.O. Box 518

MOORE CITY, AL

36568-0518

FIRST CLASS



RETURN RECEIPT REQUESTED

1st Notice 12-23-02
2nd Notice

TERRY LIGON

PETITIONER.

VS.

STATE OF ALABAMA

RESPONDENT.

IN THE CIRCUIT COURT OF

RUSSELL COUNTY, ALABAMA

CASE NO.: CC 01-352-356

ORDER

The Petitioner having filed an application to proceed in forma pauperis and the Court having reviewed and considered same, it is ORDERED that the motion is granted.

DONE this the 12th day of March 2003.

JUDGE, CIRCUIT COURT

PETITION FOR RELIEF FROM CONVICTION OR SENTENCE

(Pursuant to Rule 32,
Alabama Rules of Criminal Procedure)

Case Number

CC CI 356
ID YR NUMBER

IN THE Circuit COURT OF Russell Co. ALABAMA

Terry Ligon vs. State of Alabama
Petitioner (Full Name) Respondent

[Indicate either the "State" or,
if filed in municipal court, the
name of the "Municipality"]

Prison Number 220217 Place of Confinement Jefferson County Jail

County of conviction Russell Co. AL.

NOTICE: BEFORE COMPLETING THIS FORM, READ CAREFULLY
THE ACCOMPANYING INSTRUCTIONS.

- Name and location (city and county) of court which entered the judgment of conviction or sentence under attack Russell Co.
Phoenix City, AL.
- Date of judgment of conviction Nov. 13, 2001
- Length of sentence 25 yrs
- Nature of offense involved (all counts) MURDER, ASSAULT 1st Degree x4
- What was your plea? (Check one)
 - Guilty ☒
 - Not guilty ☐
 - Not guilty by reason of mental disease or defect ☐
 - Not guilty and not guilty by reason of mental disease or defect ☐

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6. Kind of trial: (Check one)

(a) Jury _____

(b) Judge only ☒

7. Did you testify at the trial?

Yes _____

No ☒

8. Did you appeal from the judgment of conviction?

Yes _____

No ☒

9. If you did appeal, answer the following:

(a) As to the state court to which you first appealed, give the following information:

(1) Name of court N/A

(2) Result _____

(3) Date of result _____

(b) If you appealed to any other court, then as to the second court to which you appealed, give the following information:

(1) Name of court N/A

(2) Result _____

(3) Date of result _____

(c) If you appealed to any other court, then as to the third court to which you appealed, give the following information:

(1) Name of court N/A

(2) Result _____

(3) Date of result _____

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes _____

No ✓

11. If your answer to Question 10 was "yes", then give the following information in regard to the first such petition, application, or motion you filed:

(a) (1) Name of court N/A

(2) Nature of proceeding _____

(3) Grounds raised _____

(attach additional sheets if necessary)

- (4) Did you receive an evidentiary hearing on your petition, application, or motion?

Yes _____

No _____

(5) Result N/A

(6) Date of result _____

- (b) As to any second petition, application, or motion, give the same information:

(1) Name of court N/A

(2) Nature of proceeding _____

(3) Grounds raised _____

(attach additional sheets if necessary)

- (4) Did you receive an evidentiary hearing on your petition, application, or motion?

Yes _____

No _____

(5) Result N/A

(6) Date of result _____

- (c) As to any third petition, application, or motion, give the same information (attach additional sheets giving the same information for any subsequent petitions, applications, or motions):

(1) Name of court N/A

- (2) Nature of process _____
- (3) Grounds raised _____
- _____
- _____
- _____
- (attach additional sheets if necessary)

(4) Did you receive an evidentiary hearing on your petition, application, or motion?

Yes _____ No _____

(5) Result _____ N/A

(6) Date of result _____

(c) Did you appeal to any appellate court the result of the action taken on any petition, application, or motion?

(1) First petition, etc. Yes _____ No ☒

(2) Second petition, etc. Yes _____ No _____

(2) Third petition, etc. Yes _____ No _____

ATTACH ADDITIONAL SHEETS GIVING THE SAME INFORMATION
FOR ANY SUBSEQUENT PETITIONS, APPLICATIONS, OR MOTIONS.

(e) If you did not appeal when you lost on any petition, application, or motion, explain briefly why you did not:

12. Specify every ground on which you claim that you are being held unlawfully, by placing a check mark on the appropriate line(s) below and providing the required information. Include all facts. If necessary, you may attach pages stating additional grounds and the facts supporting them.

GROUND OF PETITION

Listed below are the possible grounds for relief under Rule 32. Check the ground(s) that apply in your case, and follow the instruction under the ground(s):

- ☒ A. The Constitution of the United States or of the State of Alabama requires a new trial, a new sentence proceeding, or other relief.

For your information, the following is a list of the most frequently raised claims of constitutional violation:

- (1) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (2) Conviction obtained by use of coerced confession.
- (3) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (4) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (5) Conviction obtained by a violation of the privilege against self-incrimination.
- (6) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (7) Conviction obtained by a violation of the protection against double jeopardy.
- (3) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- ✓ (9) Denial of effective assistance of counsel.

This list is not a complete listing of all possible constitutional violations.

If you checked this ground of relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each constitutional violation that you claim, whether or not it is one of the nine listed above, and include under it each and every fact you feel supports this claim. Be specific and give details.

✓ B. The court was without jurisdiction to render the judgment or to impose the sentence.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

____ C. The sentence imposed exceeds the maximum authorized by law, or is otherwise not authorized by law.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

____ D. Petitioner is being held in custody after his sentence has expired.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

✓ E. Newly discovered material facts exist which require that the conviction or sentence be vacated by the court, because:

The facts relied upon were not known by petitioner or petitioner's counsel at the time of trial or sentencing or in time to file a post-trial motion pursuant to rule 24, or in time to be included in any previous collateral proceeding, and could not have been discovered by any of those times through the exercise of reasonable diligence; and

The facts are not merely cumulative to other facts that were known; and

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The facts do not merely amount to impeachment evidence; and

If the facts had been known at the time of trial or sentencing, the result would probably have been different; and

The facts establish that petitioner is innocent of the crime for which he was convicted or should not have received the sentence that he did.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

F. The petitioner failed to appeal within the prescribed time and that failure was without fault on petitioner's part.

If you checked this ground or relief, attach a separate sheet of paper with this ground listed at the top of the page. On this separate sheet of paper list each and every fact you feel supports this claim. Be specific and give details.

10. **IMPORTANT NOTICE REGARDING ADDITIONAL PETITIONS RULE 32.2(b) LIMITS YOU TO ONLY ONE PETITION IN MOST CIRCUMSTANCES. IT PROVIDES:**

"Successive Petitions. The court shall not grant relief on a second or successive petition on the same or similar grounds on behalf of the same petitioner. A second or successive petition on different grounds shall be denied unless the petitioner shows both that good cause exist why the new ground or grounds were not known or could not have been ascertained through reasonable diligence when the first petition was heard, and that failure to entertain the petition will result in a miscarriage of justice."

A. Other than an appeal to the Alabama Court of Criminal Appeals or the Alabama Supreme Court, have you filed in state court any petition attacking this conviction or sentence?

Yes _____ No ☒

B. If you checked "Yes," give the following information as to earlier petition attacking this conviction or sentence:

(a) Name of court _____

(b) Result _____

(c) Date of result _____
(attach additional sheets if necessary)

C. If you checked the "Yes" line in 13A, above, and this petition contains a different ground or grounds of relief from an earlier petition or petitions you filed, attach a separate sheet or sheets labeled: "EXPLANATION FOR NEW GROUND(S) OF RELIEF."

On the separate sheet(s) explain why "good cause exists why the new ground or grounds were not known or could not have been ascertained through reasonable diligence when the first petition was heard, and [why the] failure to entertain [this] petition will result in a miscarriage of justice."

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?

Yes _____ No ☒

15. Give the name and address, if known, of each attorney who represented you at the following stages of the case that resulted in the judgment under attack:

72

(a) At preliminary hearing _____

(b) At arraignment and plea _____

Sec. 14th St. Phoenix City, AZ 85005

(c) At trial _____

Same as above

(d) At sentencing _____

(e) On appeal _____ N/A

(f) In any post-conviction proceeding _____ N/A

(g) On appeal from adverse ruling in a post-conviction proceeding _____

N/A

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

Yes ☒ No _____

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes _____ No ☒

(a) If so, give name and location of court which imposed sentence to be served in the future: _____

N/A

(b) And give date and length of sentence to be served in the future: _____

N/A

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes _____ No _____

18. What date is this petition being mailed?

Wherefore, petitioner prays that the court grant petitioner relief to which he may be entitled in this proceeding.

PETITIONER'S VERIFICATION UNDER OATH
SUBJECT TO PENALTY FOR PERJURY

73

I swear (or affirm) under penalty of perjury that the foregoing is true and correct.

Executed on 10/18/02
(Date)

Terry Ligon
Signature of Petitioner

SWORN TO AND SUBSCRIBED before me this the 18th day of October, 2002
Catalina Downie
Notary Public

OR *

ATTORNEY'S VERIFICATION UNDER OATH
SUBJECT TO PENALTY FOR PERJURY

I Swear (or affirm) under penalty of perjury that, upon information and belief, the foregoing is true and correct. Executed on _____
(Date)

Signature of Petitioner's Attorney

SWORN TO AND SUBSCRIBED before me this the _____ day of _____, 19 ____.

Notary Public

Name and address of attorney representing petitioner
in this proceeding (if any)

* If petitioner is represented by counsel, Rule 32.6(a) permits either petitioner or counsel to verify the petition. _____

WITNESS STATEMENT

CASE# 01PL07810INVESTIGATOR(S) Sgt. A. Williams

I, L. Williams, am willing to make this statement of my own free will without hope of reward or fear of punishment. I further consent to answer any questions that may be asked of me by Investigator(s) Williams. No promises or threats have been made to/against me. No pressure or coercion of any kind have been used against me in obtaining this statement.

On March 25, 2001 my sister Laurinda Law, my brother Jordan Law, my nephew Cornelius Law, my son Israel Sutton, or myself were traveling down State Rd. and made a left on 1165 highway. As I proceeded up the hill I turned my signal light on to make a left turn at 47 A highway lks. (That's the address) ~~But I~~ I had made a complete stop, but before I could turn

Can cannot read and have read the above statement and further affirm that it is the truth.

1. Was the above statement written by an investigator at the request of the witness?
☐ Yes ☒ No
2. Can the witness read? ☒ Yes ☐ No Write? ☒ Yes ☐ No
3. Was the witness given the opportunity to write the above statement him/her self?
☒ Yes ☐ No

Witness Signature [Signature] Date 4-2-01

Investigator(s) Sgt. A. Williams

EXHIBIT "A"

locking spinning the 911 button
 at least 4 times. I jumped out of
 the vehicle and tried to open the driver
 door which was my sister's door. Then the
 passenger back door which was my son's
 door. Unfortunately neither door would open
 so I ran to the passenger back door
 and hit Jordanian and Cornelius out. But
 sometime traffic stopped and people were
 calling the police and ambulance. It
 took them a while to get there. But
 when they arrived they put my son in
 an ambulance and me and my sister
 followed him while in the ambulance.
 EMT Jordanian made a cruel statement
 towards my sister that he hurt
 me emotionally. He stated that she
 was lying. At a time like that, know
 in my heart my son pasted that
 was something that shouldn't
 have been said.

WITNESS/DEFENDANT/SUSPECT

INVESTIGATOR(S)

Zagumna J. J.
Sgt. A. J. J.

Interview Supplement

1. Interview of: Taquonna Law
 2. Case Number: 01PL07810
 3. Date: 04/02/01
 4. Time: 1130 hrs (MT)
 5. Report By: Sgt. A. Williams
-

On Monday, 04/02/01, at/around 1130 hrs, Sgt. Williams interviewed Taquonna concerning the investigation of the traffic accident she was involved in on Hwy 165.

Ms. Law's statement was reduced to a written statement which Ms. Law was given an opportunity to review, after which she signed the statement, indicating that it was an accurate representation of her conversation with Sgt. Williams (refer to statement for details).

The following pertinent information relevant to this investigation was obtained during this interview:

BEGIN STATEMENT:

On March 25, 2001 my sister Lawanda Law, my brother Jonathan Law, my nephew Cornelius Law, my son Khalil Sutton, and myself were traveling down Seale Rd. and made a left turn on Hwy 165. As I proceeded up the hill, I turned my signal light on to make a left turn at 47A Hwy 165. I had made a complete stop, but before I could turn, a white Chevy Blazer hit me from behind spinning the 91 Saturn at least 4 times. I jumped out of the vehicle and tried to open the passenger door which was my sister's door and then the back passenger door which was my son's door. Unfortunately neither door would open. So I ran to the passenger back door and let Jonathan and Cornelius out. By that time traffic stopped and people were calling the police and ambulance. It took them a while to get there, but when they finally did, they put my son in an ambulance and me and my sister followed.

END OF STATEMENT.

EXHIBIT B

1619 BROAD STREET
PHENIX CITY, ALABAMA 36867
Telephone: (334) 291-0410
Telecopier: (334) 291-0411

JEREMY W. ARMSTRONG
WALTER L. GRAY, III

J.C. PERDUE
OF COUNSEL

May 22, 2002

MAILING ADDRESS:

POST OFFICE BOX 3409
PHENIX CITY, ALABAMA
36868-3409

Ventress Correctional Facility
ATTN: Inmate Terry Ligon AIS #220217
Post Office Box 767
Clayton, Alabama 36016

RE: Response to Letters

Dear Mr. Ligon,

I have received your letters dated April 11, 2002, and April 19, 2002. Please find enclosed a copy of the entire discovery that I received in your case. I enclose this material as a courtesy to you. The normal procedure in the filing of a Rule 32 is to file said post-conviction petition in the circuit court in which you were convicted. Simultaneously, you can file an indigent affidavit and, if approved, then you can get copies of the court file. Now, since you are filing a Rule 32 petition, I can only assume that the petition will address ineffective assistance of counsel. Since that petition would place you and me in conflict with one another, I will not be providing you with any additional information beyond discovery in your case.

I must advise you that you did enter into a plea agreement where you plead to four (4) counts of Assault First Degree and received eight (8) years for each count. Also, you plead guilty to one (1) count of Murder and received a twenty-five (25) year sentence. In the plea agreement, all sentences are to run concurrent with one another. Additionally, I must advise you that in the plea agreement, you agreed to not appeal your conviction and sentence in any form or fashion. The plea agreement states that if you do appeal your conviction and sentence, the plea agreement will be considered null and void, and all cases will be added to the next available trial docket. In other words, the State of Alabama will proceed to trial on all charges and, if convicted, you face up to twenty (20) years on each assault count and up to LIFE on the murder count.

Mr. Ligon, I discussed all these matter extensively with you before you entered your plea. I discussed with you the strength of the prosecution's case and advised you that there was a strong likelihood of conviction. I advised you even though the prosecution had a strong case, you did have the right to proceed to trial and present any valid defenses, present any evidence, cross-examine any witness, and that you could testify in your own behalf. You chose to enter the plea of guilty based on the offer we received from the State of Alabama. I also warned you that once you get in the

EXHIBIT "C"

Department of Corrections, beware of what is commonly referred to as "jailhouse lawyers." It is obvious that, even though I warned you of jailhouse lawyers, you have fallen prey to this scheme. Mr. Ligon, the likelihood of you succeeding on a Rule 32 petition is slim to none. When you fail to succeed on such petition, then all you have done is set yourself up on the possibility of receiving a LIFE sentence on the murder charge. It was clear from sentencing with Judge Greene, that if you were convicted by a jury, he would have given you a LIFE sentence. When this happens, you will be wishing you still had a twenty-five (25) year sentence; however, by then, it will be too late.

I am advising you that it is not in your best interest to file any type of appeal in this matter. I wish you luck in any decision you make in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "J.W. Armstrong", with a stylized, flowing script.

JEREMY W. ARMSTRONG

A TRUE BILL, presented to the judge Presiding in open Court by the Foreperson of this Grand Jury, and filed in open court this 15th day of June, 2001.

Annie Jones
Grand Jury Foreman

Kathy Coulter
Clerk of the Circuit Court
of Russell County
Twenty-Sixth Judicial Circuit

CC-01-356

INDICTMENT

THE STATE OF ALABAMA

vs.

TERRY LIGON

SID:

alias

None Reported

CHARGES:

1. MURDER

SECTION

Bail fixed at \$ 69000 this 15 day of June, 2001.

[Signature]
Judge Presiding

THE STATE OF ALABAMA
RUSSELL COUNTY

CIRCUIT COURT

2001

103

Prosecutor: KENNETH DAVIS

EXHIBIT "D"

KENNETH DAVIS
DISTRICT ATTORNEY
TWENTY-SIXTH JUDICIAL

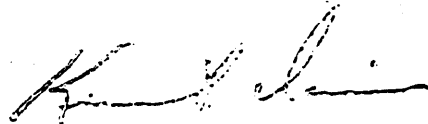
THE STATE OF ALABAMA, Russell COUNTY

206

Circuit Court - Twenty-Sixth Judicial Circuit

COUNT 1

The Grand Jury of said county charge that, before the finding of this indictment, TERRY LIGON, whose true name is otherwise unknown to the Grand Jury, did recklessly engage in conduct which manifested extreme indifference to human life and created a grave risk of death to a person other than the said TERRY LIGON, and did thereby cause the death of KHALIL SUTTON, by operating a motor vehicle While under the influence of alcohol or drugs or a combination thereof in violation of Section 13A-5-191 of the Code of Alabama 1975, as amended and thereby striking with his vehicle a vehicle in which the said Khalil Sutton was a passenger, in violation of Section 13A-6-2 of the Code of Alabama 1975, as amended, and against the peace and dignity of the State of Alabama.



KENNETH DAVIS

District Attorney

Twenty-Sixth Judicial Circuit

WITNESSES:

CRAIG BAILEY, ADFS, P. O. BOX 210516, MONTGOMERY, AL 36121
BETERNIA BAKER, 500 5TH AVENUE, APT 511-A, COLUMBUS, GA 31901
DR. BEN L. BRISTOL, P. O. BOX 240591, MONTGOMERY, AL 36124
OFFICER J. FREEMAN, PCPD, PHENIX CITY, AL 36867
LAB PERSONNEL...
SGT. BARBARA LAGRAN, PCPD, PHENIX CITY, AL 36868
JONATHAN LAW, 807 PINELAKE DRIVE, APT. B-1, MONTEZUMA, GA 31063
LAKESHA LAW, 454 5TH AVENUE, APT. 408-C, COLUMBUS, GA 31901
LAWANDA LAW, 2514 SOUTH SEALE ROAD, APT. C-3, PHENIX CITY, AL 36867
TAQUONNA LAW, 1050 FARR ROAD, LOT 15, COLUMBUS, GA 31907
SGT. R. LAWRENCE, PCPD, PHENIX CITY, AL 36867
LT. LONG, PCPD, PHENIX CITY, AL 36867
TROOPER CHARLTON MARTIN, 1220 FOXRUN PKWY, BLDG A-3, OPELIKA, AL 36801
LT. B. MCGARR, PCPD, PHENIX CITY, AL 36867
OFFICER W. MCLOUGHLIN, PCPD, PHENIX CITY, AL 36867
SGT. SOCRATES MILES, PCPD, PHENIX CITY, AL 36867
PAULA PATRICK, EMERGENCY ROOM, COLUMBUS MEDICAL CENTER, COLUMBUS, GA 31901
SGT. D. STOKES, PCPD, PHENIX CITY, AL 36867
SGT. ANDY WILLIAMS, PCPD, PHENIX CITY, AL 36867

HARDSHIP and ORDER

IN THE CIRCUIT COURT OF RUSSELL COUNTYPlaintiff/State of ALABAMA v. Defendant TERRY LIGON

IN THE MATTER OF:

TYPE OF PROCEEDING: RULE 32 CHARGE: MURDER

☐ CIVIL CASE--I, because of substantial hardship, am unable to pay the docket fee and service fees in this case. I request that payment of these fees be waived initially and taxed as costs at the conclusion of the case.

☐ CIVIL CASE (such as paternity, support, termination of parental rights) -- I request an attorney be appointed for me.

☒ CRIMINAL CASE--I am financially unable to hire an attorney and request that the Court appoint one for me.

AFFIDAVIT

I
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T

A. Do you have a job or work for yourself?

Yes ☐ No ☒

Employer's name and address _____

How much money do you take home each week?

+ \$ _____

B. If unemployed, give month and year of last employment and amount earned per month

4/01\$ 3400/mo

C. Does your husband or wife have a job?

Yes ☐ No ☒

Employer's name and address

N/A

How much money does he/she take home each week?

+ \$ 0

D. Do you receive money or benefits from any other source?

Yes ☐ No ☒

(Example: retirement pay, social security, workmen's compensation, unemployment compensation, food stamps, rent payments, interest, dividends, etc.)

How much do you receive each month?

+ \$ _____

A
S
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S

A. Do you have any money in any bank, savings and loan, credit union, or any other place, including cash on hand?

Yes ☐ No ☒

Where? _____

How much? + \$ _____

B. Do you own anything else of value? (Land, house, boat, television, stereo, jewelry, car, truck, van, stocks, bonds, etc.)

Yes ☐ No ☒

What? _____

Total Value + \$ 0D
E
P
E
N
D
E
N
T
SA. Are you: ☒ Single ☐ Married ☐ Widowed ☐ Divorced☐ Separated?

B. Do you have any dependents?

☒ Yes ☐ NoWho and what relationship? 5 children

What does it cost you to live each month?

\$ - 0 -

Creditor	Total Debt	Monthly Payment
Loans	- 0 -	- 0 -
Charge Accounts		
House or rent payments		
Alimony		
Support		
Car payment		
Groceries		
Utilities		
	- 0 -	- 0 -

In support of this request, I have answered the above questions relating to my ability to pay. I swear that these answers are true and reflect my present financial status. I understand that a false statement or answer to any questions in this affidavit will subject me to penalties for perjury.

I further understand and acknowledge that if the Court appoints an attorney to represent me, the Court may require me to pay the fees and expenses of my court-appointed counsel.

Sworn to and subscribed before me this

27th day of August, 2005

Terry Liger
Affiant Signature

Christina Acuna
Judge/Notary

ORDER

IT IS ORDERED THAT THE FOREGOING REQUEST BE:

☐ GRANTED

☒ DENIED

APPOINTMENT OF ATTORNEY:

IT IS THEREFORE, ORDERED AND ADJUDGED BY THE COURT THAT

____ Attorney at Law, be and is hereby appointed as counsel to represent, assist and defend in this (these) case(s).

It is further ordered that the Court reserves the right and may order reimbursement of attorney's fees and expenses, approved by the Court and paid to the appointed counsel.

DONE this 2 day of Dec 2005

Judge

GENERAL INFORMATION

IN THE CIRCUIT COURT OF Russell COUNTY

PLAINTIFF State of Alabama v. DEFENDANT Terry Ligon

Name of First Listed Plaintiff's Attorney

Name of Attorney (if known) of First Listed Defendant

NUMBER OF PARTIES: PLAINTIFF(S) 001

DEFENDANT(S) 001

IS ANY PARTY: An out-of-state resident? ☐ YES ☒ NO ☐ UNKNOWN An out-of-county resident? ☐ YES ☒ NO ☐ UNKNOWN

NATURE OF SUIT: In the left hand column of boxes preceding the captioning field, check the box (check only one) that best describes or categorizes the basis or theory of your suit. In the right hand column, check any secondary theories that are applicable to the suit.

TORTS PERSONAL INJURY A <input type="checkbox"/> Bad Faith B <input type="checkbox"/> Fraud C <input type="checkbox"/> Malpractice: Legal D <input type="checkbox"/> Malpractice: Medical E <input type="checkbox"/> Malpractice: Other F <input type="checkbox"/> Products Liability/AEMLD G <input type="checkbox"/> Negligence: General H <input type="checkbox"/> Negligence: Motor Vehicle I <input type="checkbox"/> Other	TORTS PROPERTY INJURY J <input type="checkbox"/> Personality K <input type="checkbox"/> Realty CONTRACTS L <input type="checkbox"/> Collection, Non-Mortgage M <input type="checkbox"/> Mortgage Foreclosure N <input type="checkbox"/> Insurance O <input type="checkbox"/> Pension P <input type="checkbox"/> Employment Q <input type="checkbox"/> Other	R <input type="checkbox"/> REAL PROPERTY S <input type="checkbox"/> CIVIL RIGHTS: Prisoner T <input type="checkbox"/> CIVIL RIGHTS: Other U <input type="checkbox"/> WILLS/TRUSTS/ESTATES V <input type="checkbox"/> OTHER: EQUITABLE/ NON-DAMAGE ACTIONS W <input type="checkbox"/> Declaratory Judgment X <input type="checkbox"/> Injunction: Commercial Y <input type="checkbox"/> Injunction: Employment	Z <input type="checkbox"/> Injunction: Other AA <input type="checkbox"/> Extraordinary Writ AB <input type="checkbox"/> Other: STATUTES/RULES AC <input type="checkbox"/> Admin. Procedure Act AD <input type="checkbox"/> Railroad/Seaman (FELA) AE <input type="checkbox"/> Racketeering (RICO) AF <input type="checkbox"/> Workmen's Compensation AG <input type="checkbox"/> Wrongful Death AH <input type="checkbox"/> Other: <u>Rule 32</u> <u>PETITION</u>
--	--	--	--

ORIGIN (check one): ☒ INITIAL FILING ☐ REMANDED ☐ APPEAL FROM DISTRICT COURT ☐ REINSTATED OR REOPENED ☐ OTHER:

HAS JURY TRIAL BEEN DEMANDED? ☐ YES ☒ NO Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, ARCP/Jecprocedure)

RELIEF REQUESTED: MONETARY AWARD <input type="checkbox"/> YES <input type="checkbox"/> NO \$ _____ Compensatory \$ _____ Punitive \$ _____ Total <input type="checkbox"/> Amount not specified	MARK IF APPLICABLE: <input checked="" type="checkbox"/> DECLARATORY JUDGMENT <input type="checkbox"/> INJUNCTION <input type="checkbox"/> EXTRAORDINARY WRIT <input type="checkbox"/> POSSESSION <input type="checkbox"/> ATTORNEY'S FEES <input type="checkbox"/> OTHER: <u>NEW TRIAL</u>
---	--

Date 10/29/02 Signature of Attorney/Party Filing this form Terry Ligon 220217

DISPOSITION DATA (TO BE COMPLETED BY CLERK)

DISPOSITION DATE: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Month Day Year	<input type="checkbox"/> TRANSFER TO OTHER CIRCUIT/VENUE CHANGE New Venue:	
DISMISSALS I <input type="checkbox"/> Lack of Jurisdiction C <input type="checkbox"/> Want of Prosecution B <input type="checkbox"/> Dismissed With Prejudice P <input type="checkbox"/> Dismissed Without Prejudice S <input type="checkbox"/> Settled H <input type="checkbox"/> Other	JUDGMENT ON J <input type="checkbox"/> Default A <input type="checkbox"/> Consent E <input type="checkbox"/> Pleadings M <input type="checkbox"/> Summary Judgment I <input type="checkbox"/> Jury Verdict B <input type="checkbox"/> Bench Trial V <input type="checkbox"/> Directed Verdict W <input type="checkbox"/> Judgment Notwithstanding the Verdict O <input type="checkbox"/> Other:	JUDGMENT FOR P <input type="checkbox"/> Plaintiff D <input type="checkbox"/> Defendant B <input type="checkbox"/> Both JUDGE TAKING FINAL ACTION: Judge Code <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

TRIAL DATES: (if a Jury or Non-Jury trial was held) TRIAL BEGAN ☐ ☐ ☐ TRIAL ENDED ☐ ☐ ☐ NUMBER OF TRIAL DAYS ☐ ☐
 Month Day Year Month Day Year

NATURE OF JUDGMENT: MONETARY AWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO \$ _____ Compensatory \$ _____ Punitive \$ _____ Total	MARK IF APPLICABLE: <input type="checkbox"/> DECLARATORY JUDGMENT ENTERED <input type="checkbox"/> INJUNCTION GRANTED <input type="checkbox"/> EXTRAORDINARY <input type="checkbox"/> POSSESSION GRANTED <input type="checkbox"/> ATTORNEY'S FEES GRANTED <input type="checkbox"/> OTHER:
---	--

Clerk of the Court

Honorable Kathy Conner

Circuit Court of Russell County

P.O. Box 518

Phenix City, Alabama 36865-0518

Re: Case No.

CC 01-352-356

Dear Clerk Conner:

Enclosed please find the following documents
for your filing on the above referenced case:

Two sets of the following:

- 1) Affidavit in support of Rule 32 Petition ^{also} numbered as
Petitioner's Exhibit # 1A through 1G Petitioner's exhibit
2) of the final resting place of the two vehicles involved
in the accident on March 25, 2001, and the police
reports pertaining to each.

I thank you for your time and assistance in this
matter.

Sincerely,

Terry Leeson

Terry Leeson # 220217

VENTRESS COAL. INC.

P.O. Box 767

Clayton, AL. 36016-0767

State of Alabama

Court of Probate

Case CC-01-352-356

Exhibit

IN SUPPORT OF Rule 32 PETITION

I, the undersigned authority, a Notary Public in and for said county and State of Alabama at large, personally appeared Terry Ligon, #220217, who being known to me and being by me first duly sworn, depose and says the following:

My name is Terry Ligon, and I am over the age of 21 years and in sound, normal mental capacity. This affidavit is prepared in conjunction and support of my Rule 32, A.R.C.P., petition for post-conviction relief in case CC-01-352-356 and is relevant to the events that transpired on March 25, 2001, whereby I was involved in an automobile accident.

The accident involved my crashing my "Chevrolet Blazer" into the back of a 1991 "Citrus" compact car on March 25, 2001, in which a child was killed. When the police arrived on the scene of the accident I was told to move my truck to the side of the road as it was blocking traffic on the highway. I believe the Phenix City Police Department, namely Officer Williams was the one who told me to move my

truck. Other evidence received on the scene of the accident in conjunction with the child in the vehicle involved in the accident and a diagram were made as to the positions of the vehicles at that time.

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The diagram nor the measurements taken do not reflect an accurate portrayal of position or distance of the vehicle as to the original position before I moved my vehicle. This information was not related by me to my attorney representing me in criminal charges because of accident, as he never showed me the diagram of the scene of the accident, as he wanted to plea bargain my case out quickly, and I did not have any access to the diagram until May of 2002 when I received the information from the Circuit Court of Russell County, AL.

I swear under the penalty of perjury that above statement, is true and correct to the best of my knowledge and belief.

Terry Ligon

TERRY LIGON, # 220217,

V.C.F. P.O. Box 767

CLAYTON, AL. 36016

Sworn to and subscribed before me on this the 10th day of December, 2002.

William H. Brown

NOTARY PUBLIC

12/10/02

My Commission Expires

SOUTH BOUND

S

113

Alabama Highway
265

N
↓

TWO LANE
NORTH
BOUND

2

1

CAR #

2

CAR #

1

IMPACT POINT

←
FINAL RESTING
POSITION OF
BOTH VEHICLES
AFTER IMPACT, &
BEFORE REPO.
TOLD DEF. TO MOVE TRUCK TO
SIDE OF ROAD

PETROWER'S EXHIBIT #1

1-1-

Fri Apr 13 16:35:40 EDT 2001, entry by Sgt. A. Williams

Case# 01PL07810

Supplement

Inv. used the distance of skid marks from Veh#2 from POI to final rest which was approx. 67 feet. This distance used with the known drag factor of .73 came up with a post impact speed of 38 mph.

Using the linear momentum formula, Inv. entered in the known post impact speed along with the approx. vehicle weights of vehicles #1 and #2 to come up with the velocity of vehicle #1 at time of impact. This number came up to 98.66 fps. Inv. then calculated the velocity into mph which came up to 66.9 mph as the impact speed of vehicle #1.

The calculations along with the formulas used was entered into the case file as evidence.

Fri Apr 13 09:03:38 EDT 2001, entry by Sgt. A. Williams
Case# 01PL07810

plement

Inv. was provided with the drag factor from the scene of the traffic accident by Sgt. R. Lawrence. The test skids that Sgt. Lawrence performed at two different test speeds came up the following drag factors:

$f = .73$

$f = .75$

These drag factors will be used to determine the post impact speed of the two vehicles after initial collision. Once the post impact speed is obtained, it will entered into the linear momentum formula to come up with the pre-impact speed of vehicle #1.

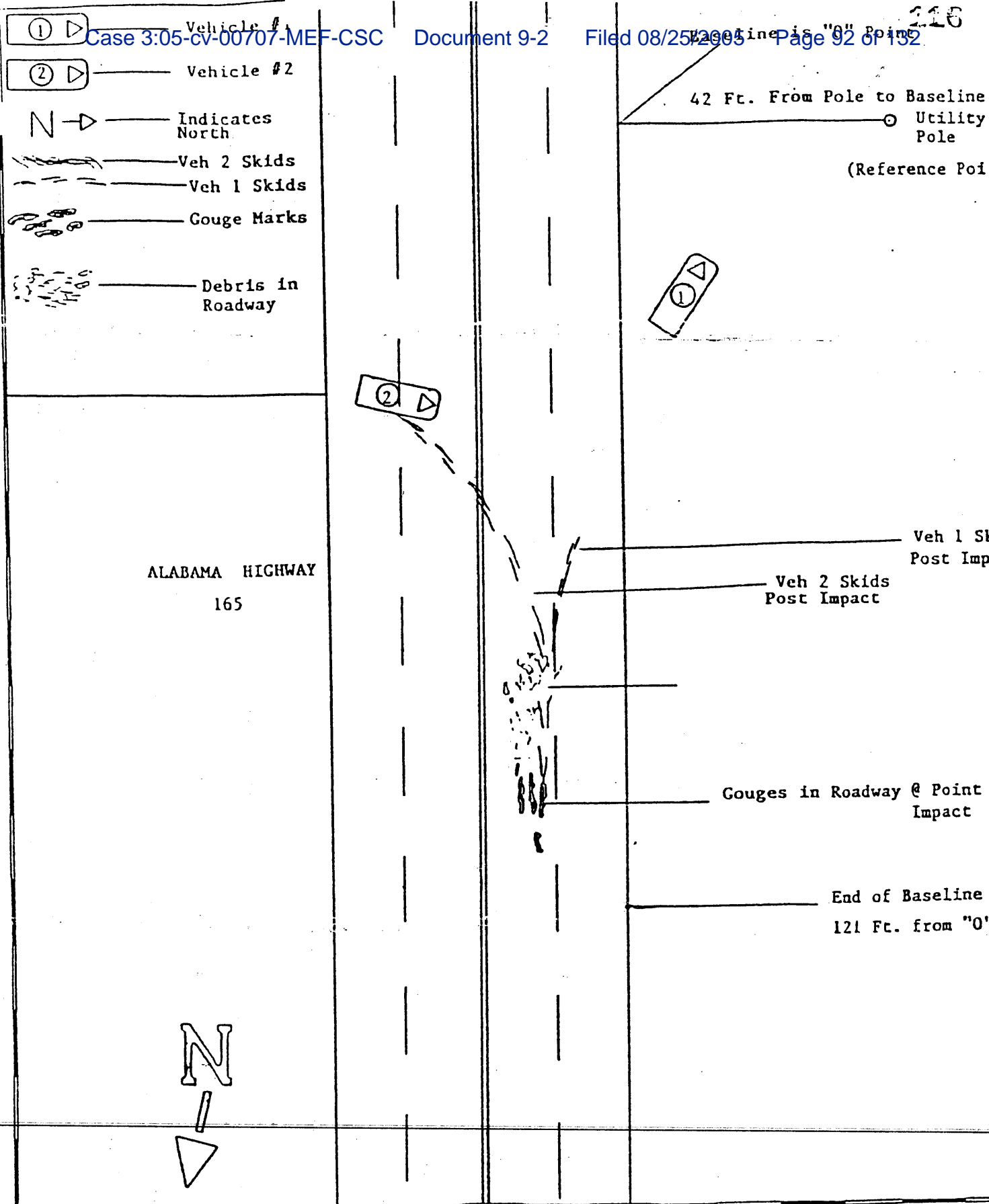


Diagram Scale 1 inch = (20 feet)		Location Alabama Highway 165 Approx. 1/2 Mile off 431		Time 1749	
Signature of Reporting Officer(s) SGT. ANDY WILLIAMS		Officer ID 264		Reporting Police Agency ORI 0570100	
				DATE Month 07 Day 25 Year 2001	

01 PL	0781
DATE	3/25/0

1 1817 .164 AS

2 PLACED IN 297 VEHICLE BY J10

3

4

5 MEASUREMENTS

6

Ref.
POINT

7 142' From White Line to Utility Pole

8 LOCATED on WEST SIDE OF Hwy 165

9 Base Line 1215

10

11

X

Y

L/F Vehl

12

10'4" West

22' North

R Vehl

13

5'5" West

29 North

14

L R Vehl

15

39'5" East

38'10" North

L/R

16

30'6" East

40'11" North

17

POI

18

14'11" East

112'9" North

19

20

11'6" Flood marker Base to Lane marker

21

22

11'9" to cent marker

23

Base Line a to 46'10"

24

25

26

27

28

*** ALL MEASUREMENTS ARE IN FEET ***

"O" POINT IS: White Shoulder Marker Line 42 Ft. East of Utility Pole

DESCRIPTION OF POINT:	O	N	S	E	W
Left Front Wheel of Vehicle #1 Final Rest	A	22.0			10.33
Left Rear Wheel of Vehicle #1 Final Rest	B	29.0			5.41
Left Rear Wheel of Vehicle #2 Final Rest	C	38.83		39.41	
Left Front Wheel of Vehicle #2 Final Rest	D	40.91		50.50	
Point Of Impact	E	112.75		14.91	
Gouge Marks in Roadway	F	111.83		14.91	
Debris Left in Roadway (Scattered)	G	111.41		14.91	
Skid Marks (Post Impact) of Vehicle #2	H				
Skid Marks (Post Impact) of Vehicle #1	I				
	J				
	K				
	L				
	M				
	N				
	O				
	P				
	Q				
	R				
	S				
	T				
	U				
	V				
	W				
	X				
	Y				
	Z				

SHEET NUMBER: 5 OF 5 SHEETS / DATE: 03 / 25 / 2001 INITIALS: A.W.

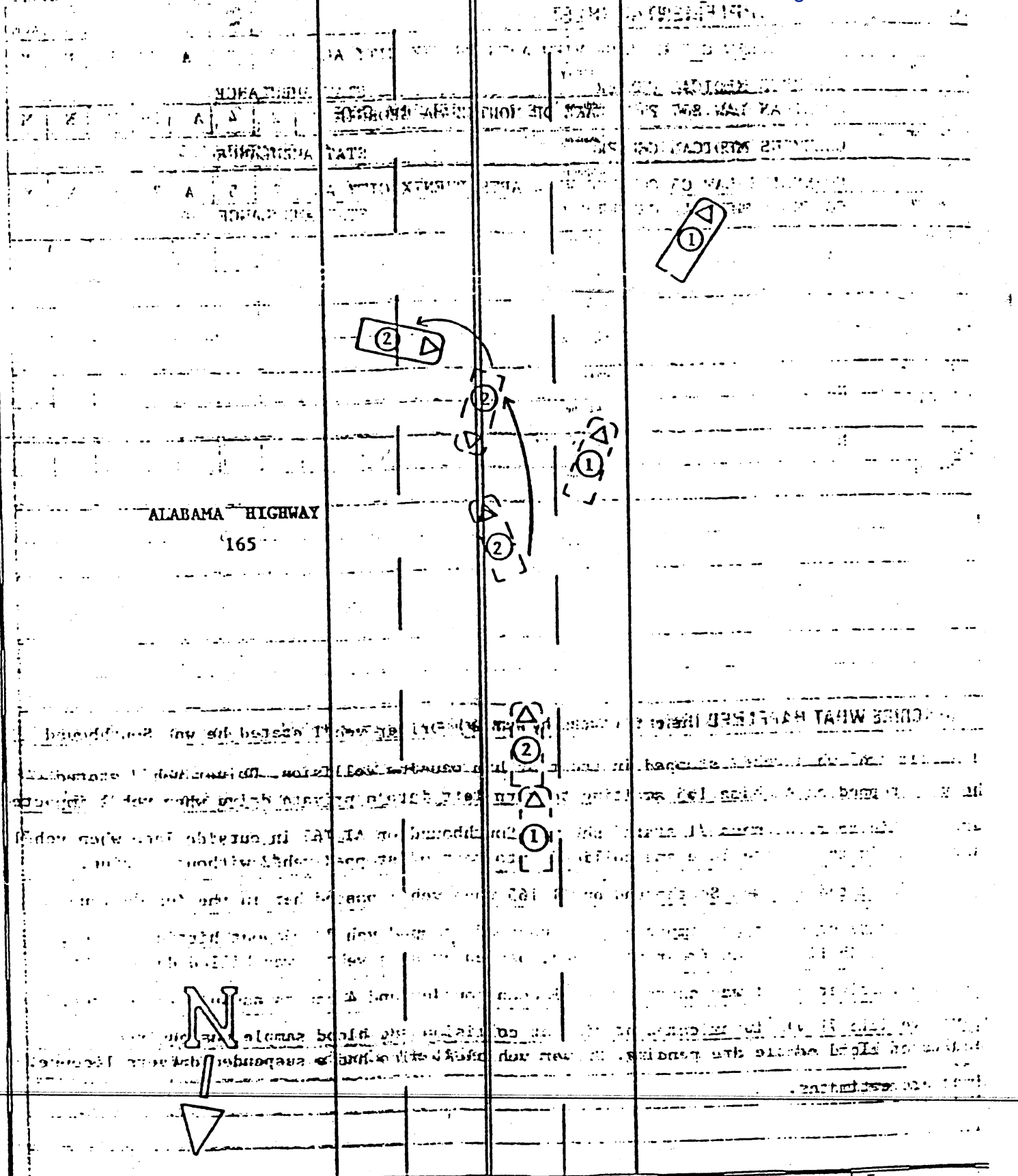


Diagram Not to Scale	Location	Time
Diagram Scale 1 inch = 100 feet	Alabama Highway 165 Approx. 1/2 Mile off 431	1749
Signature of Reporting Officer(s)	Officer ID	Reporting Police Agency OR
		DATE
		Month Day Y

TERRY LOGAN
220217 - D-83-29
VONTRESS CORR. FAC.
P.O. Box 767
CLAYTON, AL. 36016-0767

TO: Honorable Kathy Coulter
Clerk of the Court
Circuit Court of Russell County
P.O. Box 518
Phenix City, AL.
36868-0518

UPSS
FEB 11 11 53 AM

THIS CORRESPONDENCE IS FORWARDED FROM AN ALABAMA STATE PRISON. THE CONTENTS HAVE NOT BEEN EVALUATED AND THE ALABAMA DEPARTMENT OF CORRECTIONS IS NOT RESPONSIBLE FOR THE SUBSTANCE OR CONTENT OF THE ENCLOSED COMMUNICATION.

STATE OF ALABAMA

V.

TERRY LIGON

) IN THE CIRCUIT COURT OF
(
) RUSSELL COUNTY, ALABAMA
(
) CASE NO. CC-01-352.60 Thru
CC-01-356.60

ANSWER TO RULE 32 PETITION

COMES NOW THE STATE OF ALABAMA, by and through it's Assistant District Attorney and answers the Defendant's petition as follows:

Petitioner alleges that

1. The Constitution of the United States or of the State of Alabama requires a new trial, a new sentence proceeding, or other relief in that he was a) denied effective assistance of counsel, and b) he did not understand his plea of guilty, further that
2. The Court was without jurisdiction to render the judgment or to impose the sentence, further that
3. Newly discovered material facts exist which require the sentence or conviction be vacated by the Court.

Petitioner did not file an appeal. The issues above were or could have been raised in that manner. Pursuant to ARCP 32.2(a)(3) and (a)(5), therefore, these allegations are precluded and the petition on these grounds is due to be dismissed.

Petitioner's brief fails to supply a sufficient factual basis on these claims. The State of Alabama denies that any of the conduct complained of in the petition, if true, would rise to a level requiring granting of this petition.

In supporting documents petitioner in ground 1A above alleges that the trial court did not engage in a proper colloquy such as would have informed petitioner of the nature of the charges to which he was pleading. The State of Alabama denies this and would assert that the Court engaged in an exhaustive inquiry of a factual nature and that this would have been entirely sufficient for the petitioner to understand what was happening. Further, in ground 1B petitioner alleges ineffective assistance of counsel but has failed to allege facts such as would support this claim.

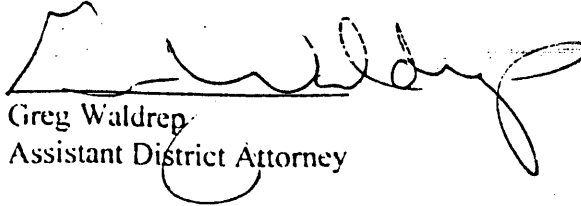
Petitioner's Ground 2 alleges that the Court did not have proper jurisdiction in this matter. Petitioner has failed to state any factual grounds such as would support this contention.

Petitioner's claim that he was sentenced in violation of the Double Jeopardy laws of the United States is without merit and results from an apparent misunderstanding of the sentencing laws of the State of Alabama. Petitioner objects to being sentenced to concurrent sentences but cites case law in his brief which allows concurrent sentences.

Petitioner has failed to state any new facts that would require a new trial be granted and as such his 3rd ground for relief also is due to be dismissed.

Based on the above, the State of Alabama requests that this Honorable Court dismiss defendant's petition.

This the 9th day of January, 2003.



Greg Waldrep
Assistant District Attorney

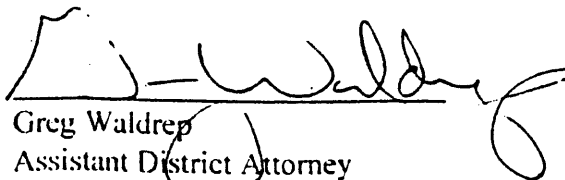
CERTIFICATE OF SERVICE

The State of Alabama certifies that it has this day served a copy of the foregoing answer upon defendant by placing a copy of same in the United States Mail with proper postage affixed thereto addressed to:

Terry Ligon
AIS # 220217
P.O. Box 767
Clayton, AL 36016

This the 9th day of January, 2003.

KENNETH DAVIS,
District Attorney



Greg Waldrep
Assistant District Attorney

In The Circuit Court of Russell County
State of Alabama

Terry Ligon,
Petitioner,

- vs -

State of Alabama,
Respondent.

FILED IN OFFICE
2003 NOV - 6 PM 12:42
ca. Nos. ca-01-352.60
the cl-01-356.60

Motion For Appointment of Counsel

Come now the Petitioner, Terry Ligon, pro-se, in the above styled cause and respectfully moves this Honorable Court to appoint counsel to assist him and represent him in his A.R.C.P., Rule 32 petition for post-conviction relief and as good cause states the following:

Petitioner avers that because of the seriousness of the cases involved and that he is not well educated, nor able to comprehend the judicial process, its terms, and requirements he needs assistance, wherefore, he moves this Honorable Court to appoint counsel to assist him and grant his Affidavit of Hardship, pending before this Honorable Court as filed on October 31, 2002, and then again on March 12, 2003.

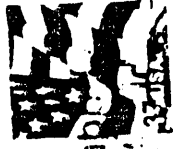
the 5th day of November, 2003.

Respectfully submitted, on this

Terry Ligon

TERRY LIGON, # 220217

204



NAME CLAYTON, CLAYTON AIS # 220217 DORM # 3-29
 VENTRESS CORRECTIONAL FACILITY
 P. O. BOX 767
 Clayton, AL 36016

Mr. LATHY, Director
 Clerk of THE COURT
 Circuit Court of Russell County.
 P.O. Box 518
 Phenix City, AL.

303-518-518

"This correspondence is forwarded from an Alabama State Prison. The contents have not been evaluated, and the Alabama Department of Corrections is not responsible for the substance or content of the enclosed communication."

36688+0318

TERRY LIGON

PETITIONER,

VS.

STATE OF ALABAMA

RESPONDENT.

CASE NO. CC 01-352-356

ORDER

The Petitioner, Terry Ligon, has filed a Petition for Relief from conviction and sentence pursuant to Rule 32 of the Alabama Rules of Criminal Procedure. Petitioner cites as grounds for relief:

1. Denial of effective assistance of counsel.
2. The Court was without jurisdiction to render the judgment or to impose the sentence.
3. Newly discovered material facts which require the conviction or sentence be vacated.

The Petition for Relief from conviction and sentence is hereby dismissed.

Petitioner, Terry Ligon, entered a plea of guilty to all charges. At the time of the plea of guilty as a condition of his plea bargain agreement he waived all right to appeal including the filing of any post-conviction proceeding. A copy of the entry of pleas of guilty and the sentencing phase is attached.

The Court conducted a lengthy colloquy with the Petitioner at the time of his pleas of guilty. Petitioner acknowledged his guilt in all cases, and a basis for his guilt was established in all cases. ~~Any newly discovered evidence that the Petitioner sets~~
forth would not change or likely change the determination of guilt

of the Petitioner. The Court clearly has subject matter jurisdiction in all cases. All indictments sufficiently notified Petitioner of charges pending against him. Petitioner was sentenced within the sentencing range of each case as allowed by law. Petitioner fails to assert a factual basis to establish an ineffective assistance of counsel claim. Furthermore, Petitioner failed to raise the issue of ineffective assistance of counsel on Motion for New Trial or on Appeal nor were any of Petitioner's other claims asserted on Motion for New Trial or on Appeal.

DONE this the 30th day of March 2004.

JUDGE, CIRCUIT COURT

FILED IN OFFICE
2004 MAR 30 AM 9:30

STATE OF ALABAMA
IN THE CIRCUIT COURT FOR THE COUNTY OF RUSSELL
TWENTY-SIXTH JUDICIAL CIRCUIT
CRIMINAL

STATE OF ALABAMA

v.

Case Nos. CC 01-352 thru CC 01-356

TERRY LIGON,

Defendant.

REPORTER'S OFFICIAL TRANSCRIPT

Before:

Honorable George R. Greene
Phenix City, Alabama - September 10, 2001

APPEARANCES:

For the State:
Buster Landreau, Esq.
Chief Deputy District Attorney

For the Defendant:
Jeremy W. Armstrong, Esq.
Phenix City, Alabama

Linda S. Wilson
Official Court Reporter

1 THE COURT: Terry Ligon?

2 (Defendant approaches the bench.)

3 THE COURT: You are Terry Ligon?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Mr. Ligon, your cases come to
6 the Court by way of indictments returned by a
7 grand jury impaneled here in Russell County. In
8 Case Number CC 2001-352, you are charged with the
9 offense of assault first degree, and this
10 indictment alleges that you did, while driving
11 under the influence of alcohol or a controlled
12 substance or any combination thereof, in
13 violation of Section 32-5A-191 of the Code of
14 Alabama, as amended, cause serious bodily injury
15 to Taquonna Law with a motor vehicle, in
16 violation of Section 13A-6-20(A)(5) of the Code
17 of Alabama.

18 Case Number CC 2001-353 also comes to the
19 Court by way of indictment. It's my
20 understanding that all of these offenses arose
21 out of the same circumstance or transaction; is
22 that correct?

23 MR. ARMSTRONG: That's correct, Your Honor.

24 THE COURT: You are charged with the offense
25 of assault first degree in that case, and the

1 indictment alleges that you did, while driving
2 under the influence of alcohol or a controlled
3 substance or a combination thereof, in violation
4 of Section 32-5A-191 of the Code of Alabama of
5 1975, as amended, cause serious bodily injury to
6 Lawanda Law with a motor vehicle, in violation of
7 Section 13A-6-20(A)(5) of the Code of Alabama.

8 The next indictment also charges you with
9 the offense of assault in the first degree and
10 alleges that you did, while driving under the
11 influence of alcohol or a controlled substance or
12 a combination thereof, in violation of Section
13 32-5A-191 of the Code of Alabama of 1975, as
14 amended, cause serious bodily injury to Jonathan
15 Law with a motor vehicle, in violation of Section
16 13A-6-20(A)(5) of the Code of Alabama of 1975, as
17 amended.

18 The next indictment in Case Number
19 CC 2001-355 alleges or charges you with the
20 offense of assault in the first degree, and it
21 alleges that you did, while driving under the
22 influence of alcohol or a controlled substance or
23 a combination thereof, in violation of Section
24 32-5A-191 of the Code of Alabama of 1975, as
25 amended, cause serious bodily injury to Cornelius

1 Law with a motor vehicle, in violation of Section
2 13A-6-20(A)(5) of the Code of Alabama of 1975, as
3 amended.

4 And the last indictment that I have pending
5 today against you also was returned by a grand
6 jury impaneled here in Russell County and charges
7 you with the offense of murder and alleges that
8 you did recklessly engage in conduct which
9 manifested extreme indifference to human life and
10 created a grave risk of death to a person other
11 than the said Terry Ligon and did thereby cause
12 the death of Khalil Sutton by operating a motor
13 vehicle while under the influence of alcohol or
14 drugs or a combination thereof, in violation of
15 Section 13A-5-191 of the Code of Alabama of 1975,
16 as amended, and thereby striking with his vehicle
17 a vehicle in which the said Khalil Sutton was a
18 passenger, in violation of Section 13A-6-2 of the
19 Code of Alabama of 1975, as amended, and against
20 the peace and dignity of the State of Alabama.

21 Each of the assault in the first degree
22 cases are Class B felonies, with a possible range
23 of sentencing for conviction on those four cases
24 would be not less than two years, no more than 20
25 years imprisonment in the state penitentiary, and

1 may include a fine of up to but not more than
2 \$10,000 as well as a Victims Compensation Fund
3 fee that would be imposed of not less than 50, no
4 more than \$10,000 for each felony conviction.

5 The charge of reckless murder is a Class A
6 felony, with a possible range of sentencing for
7 conviction of that offense being not less than 10
8 years, no more than life or 99 years imprisonment
9 in the state penitentiary, and may include a fine
10 of up to but not more than \$20,000 as well as a
11 Victims Compensation Fund fee of not less than
12 50, no more than \$10,000 which would be imposed
13 for conviction in the case. Because all of these
14 offenses occurred as part of the same transaction
15 or occurrence, then any sentence that would be
16 imposed in each of these five cases would run
17 concurrent with each other.

18 What grade did you last complete in school,
19 Mr. Ligon?

20 THE DEFENDANT: Tenth.

21 THE COURT: Can you read, write and
22 understand the English language?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Is there anything about this
25 Explanation of Rights form which I've read or

1 explained to you or that Mr. Armstrong, your
2 attorney, has read or explained to you that you
3 don't understand?

4 THE DEFENDANT: No, sir.

5 THE COURT: Do you have any questions about
6 these forms?

7 THE DEFENDANT: No, sir.

8 THE COURT: Has anyone offered you any
9 promise or inducement or hope of reward to entice
10 you to enter into a plea of guilty to each of
11 these five cases?

12 THE DEFENDANT: No, sir.

13 THE COURT: Has anybody threatened or
14 coerced you in any way to force you to enter into
15 a plea of guilty?

16 THE DEFENDANT: No, sir.

17 THE COURT: The plea of guilty that you're
18 attempting to enter you're doing so voluntarily?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: And that you understand by doing
21 so, you'll be giving up your right to a trial by
22 a jury?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And that you would also be
25 giving up a right to appeal any conviction in

1 these cases?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: I read out the indictments to
4 you in each of the five cases, four of them of
5 assault in the first degree and the other a
6 reckless murder charge.

7 Did this occur on or about the date of your
8 arrest on March the 21st of 2001?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Where did this incident occur?

11 THE DEFENDANT: 165.

12 THE COURT: And that's in Russell County,
13 Alabama?

14 THE DEFENDANT: Right.

15 THE COURT: Were you driving a vehicle?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Did your vehicle collide with
18 another vehicle on that date?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Had you been drinking an
21 alcoholic beverage prior to you driving that
22 vehicle?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And how much did you have to
25 drink?

1 THE DEFENDANT: Oh, about two or three
2 beers.

3 THE COURT: Did you take a blood alcohol
4 test after the accident?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: And what percentage did you run
7 on the blood alcohol test?

8 THE DEFENDANT: Point one six, something
9 like that.

10 THE COURT: Point one six. That's double
11 the legal limit of intoxication; is that correct?

12 THE DEFENDANT: Right.

13 THE COURT: Do you feel that your ability to
14 drive a vehicle was impaired as a result of you
15 being under the influence of an alcoholic
16 beverage?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Did an accident result on that
19 date or occur on that date?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: How did the accident occur?

22 THE DEFENDANT: I was fixing to get ready to
23 pass a car in the next lane and about the time I
24 got ready to pass over, I looked in my mirror and
25 looked back up, the car had stopped in front of

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1 me with no lights on, no signal or nothing. By
2 that time it was too late for me to get back
3 over.

4 THE COURT: Did you hit a car head on?

5 THE DEFENDANT: No.

6 MR. LANDREAU: He rear ended.

7 THE COURT: You ran into the back of the
8 car?

9 THE DEFENDANT: Right.

10 THE COURT: Was that car occupied by other
11 individuals?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And those other individuals were
14 the five names that I read out to you, and
15 specifically in Case Number CC 2001-356, Khalil
16 Sutton, who died as a result of injuries
17 sustained in that accident; is that correct?

18 THE DEFENDANT: Yes.

19 THE COURT: Were there injuries that
20 occurred to the other individuals, specifically
21 Cornelius Law?

22 THE DEFENDANT: Yes.

23 THE COURT: What type of injuries did
24 Cornelius Law have?

25 MR. LANDREAU: Judge, they all suffered

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1 blows or trauma to the body and were taken to the
2 hospital where they were treated. Khalil Sutton,
3 who I believe was 18 months old, was pronounced
4 dead upon arrival at the hospital.

5 THE COURT: Did Lawanda Law have serious
6 bodily injuries as a result of the accident in
7 this case?

8 MR. LANDREAU: Yes, sir. All four of the
9 other occupants had serious injuries.

10 THE COURT: Did Taquonna Law receive serious
11 bodily injuries as well?

12 MR. LANDREAU: Yes, Your Honor.

13 THE COURT: And then, let's see, Jonathan
14 Law and Cornelius law. Do you know what those
15 injuries were?

16 MR. LANDREAU: Judge, they were all of the
17 same nature. I believe a couple of them may have
18 broken bones in addition to internal trauma and
19 injury.

20 THE COURT: Do you know whether any of them
21 have permanent disability?

22 MR. LANDREAU: Judge, I don't believe any of
23 those four have a permanent disability. They
24 were eventually treated and released at some
25 point after staying in the hospital.

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1 THE COURT: All four of them remained in the
2 hospital over a period of a day or several days;
3 is that correct?

4 MR. ARMSTRONG: Your Honor, I have read the
5 case file extensively, and I do recall some
6 having broken bones and having to stay in the
7 hospital for an extensive period of time, but I
8 don't recall if it was all four. I want to say
9 it was three of them, but I can't quite remember.

10 THE COURT: Mr. Ligon, are you satisfied
11 that each of these four individuals, Taquonna
12 Law, Jonathan Law, Cornelius Law and Lawanda Law,
13 all received serious physical injury as a result
14 of this automobile accident?

15 THE DEFENDANT: Excuse me?

16 THE COURT: Are you satisfied that each of
17 those four individuals that I read out to you all
18 sustained serious physical injury as a result of
19 the accident in this matter?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Are you satisfied that it was
22 your actions and driving under the influence of
23 an alcoholic beverage that caused injury to these
24 four people?

25 THE DEFENDANT: Yes, sir. Yes, sir.

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1 THE COURT: And also it caused the death
2 of --

3 MR. LANDREAU: Of Khalil Sutton.

4 THE COURT: -- Khalil Sutton?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: In each of the four cases of
7 assault first degree, how do you plead, guilty or
8 not guilty?

9 THE DEFENDANT: Guilty.

10 THE COURT: Are you, in fact, guilty of
11 those offenses?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And to the charge of reckless
14 murder, how do you plead, guilty or not guilty?

15 THE DEFENDANT: Guilty.

16 THE COURT: Are you, in fact, guilty of that
17 offense?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Is there anything about either
20 of those five charges that you don't understand?

21 THE DEFENDANT: No, sir.

22 THE COURT: Do you have any questions about
23 them?

24 THE DEFENDANT: No, sir.

25 THE COURT: The plea bargain agreement that

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1 I have before me indicates that upon your plea of
2 guilty in each of these five cases, in the four
3 cases of assault first degree, the State would
4 recommend that you be sentenced to eight years in
5 the custody of the Commissioner of the Department
6 of Corrections, that you pay the court costs in
7 each case, and also that you would pay
8 restitution in the amount that will be submitted
9 by affidavit by the victims. Of course, if there
10 is a challenge to any amount that's submitted by
11 affidavit, then the Court would schedule a
12 hearing for that.

13 In Case Number CC 2001-356, the State would
14 recommend that you be sentenced to 25 years, and
15 that would be on the charge of reckless murder.
16 That sentence would run concurrent with any
17 sentence imposed in the other four cases and that
18 you would be required to pay restitution in that
19 case as well. It's stipulated that you have no
20 prior felony convictions.

21 You will be required to make payments of
22 your fines, court costs and restitution beginning
23 90 days after you're released from jail at the
24 rate of at least \$100 per month, and failure to
25 make those payments as ordered and do so on a

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1 monthly basis, then a 30 percent collection fee
2 could be added to any balance which is 90 days
3 past due as well as a wage withholding order
4 could be issued for that past due balance.

5 You also waive any right to appeal or file
6 any post-conviction petition or remedy including
7 but not limited to the filing of a Rule 32
8 petition, a motion to set aside your plea of
9 guilty or any sentence that may be imposed in
10 this case, or appeal any conviction that may be
11 had in any of these cases.

12 Are you satisfied with the legal
13 representation you have received from Mr.
14 Armstrong in all five of these cases?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Are you satisfied with the plea
17 bargain agreement that's been negotiated on your
18 behalf?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Court at this time then would
21 accept your pleas of guilty to each of the four
22 cases of assault first degree and to the charge
23 of reckless murder and would adjudicate you
24 guilty of each of those offenses.

25 Do you wish to have a pre-sentence report

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1 completed in these five cases?

2 MR. ARMSTRONG: Yes, Your Honor.

3 THE COURT: All right. The Court would
4 direct a pre-sentence report be completed in each
5 of the five cases. Sentencing is set for October
6 the 2nd and that will be at 10:00 a.m., and you
7 need to meet with the probation officers before
8 he leaves.

9 MR. ARMSTRONG: Thank you.

10 (End of proceedings.)

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REPORTER'S CERTIFICATE

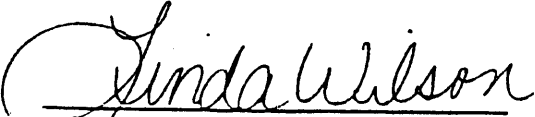
~~STATE OF ALABAMA~~

RUSSELL COUNTY

I, Linda S. Wilson, one of the Official Court Reporters for the 26th Judicial Circuit of Alabama, do hereby certify that I did report in Stenotypy shorthand the testimony and proceedings had in the aforementioned case, had in the Circuit Court of Russell County, Alabama, on the 10th day of September, 2001.

I further certify that since said date, I have reduced my shorthand notes to typewriting and the foregoing pages numbered 2 through 15, inclusive, contain a true and correct transcript of the testimony and proceedings had in said case at said time and place.

WITNESS MY HAND this 29th day of March, 2004.


Linda S. Wilson
Official Court Reporter

STATE OF ALABAMA
IFIED JUDICIAL SYSTEM
JUDICIAL CIRCUIT

KATHY COULTER
CLERK OF CIRCUIT COURT
RUSSELL COUNTY, ALABAMA

243
P O BOX 518
PHENIX CITY, ALABAMA 36868 0518
(334) 298 0516

FAX COVER SHEET

DATE: 3/30/04 TIME: 4:35 PM, EST

NUMBER OF PAGES TO FOLLOW: 18
(NOT INCLUDING THIS PAGE)

TO: COURT OF CRIMINAL APPEALS

FAX #: 334-242-4689

FROM: Russell County Circuit Court
Phone Number 334/298-0516 Ext. _____
Fax Number 334/297-6250

COMMENTS:

CONFIDENTIALITY NOTE: The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this telecopy is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original message to us at the above address via United States Postal Service. THANK YOU.

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03/30 01:39
13342424689
00:04:14
19
OK
STANDARD
ECM

April 19, 2004

245

Honorable Kirby Conner

Clerk of the Court

Circuit Court of Russell County

P.O. Box 518

Phenix City, AL. 36865-0518

RE: CC-01-352-356 .60 .60

Dear Clerk Conner:

Enclosed please find the following:

- 1.) Notice of Appeal, from the Court's Order dismissing my Rule 32 petition on March 30, 2004;
- 2.) Transcript Order Form;
- 3.) Motion For A Free Transcript;
- 4.) Docketing Statement.

I pray all is in order for your proper filing of said appeal etc.. I thank you for your time and concern in this important matter.

Respectfully

Terry Ligon

Terry Ligon, # 220217

V.C.F. - P.O. Box 767

Clayton, AL. 36016

FILED IN OFFICE
MAY 10 2004

State of Alabama
Unified Judicial System

Form ARAP- 26 (front) 8/91

COURT OF CRIMINAL APPEALS
DOCKETING STATEMENT

Criminal Appeal Number

226

A. GENERAL INFORMATION:

☒ CIRCUIT COURT ☐ DISTRICT COURT ☐ JUVENILE COURT OF RUSSELL COUNTY

TERRY LIGON Appellant

☒ STATE OF ALABAMA ☐ MUNICIPALITY OF

Case Number <u>CC-01-352 353 354 355 356</u>	Date of Complaint or Indictment <u>7-16-04</u>	Date of Judgment/Sentence/Order <u>3/30/04</u>
Number of Days of Trial/Hearing <u>1</u> Days	Date of Notice of Appeal Oral: <u>Written:</u>	
Indigent Status Requested: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Indigent Status Granted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

B. REPRESENTATION:

Is Attorney Appointed or Retained? <input checked="" type="checkbox"/> Appointed <input type="checkbox"/> Retained.	If no attorney, will appellant represent self? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Appellant's Attorney (Appellant if pro se) (Attach additional pages if necessary) <u>Pro se Terry Ligon</u>	Telephone Number <u>N/A</u>
Address <u>P.O. Box 767</u>	City <u>Clayton</u>
State <u>AL</u>	Zip Code <u>36016</u>

C. CODEFENDANTS: List each CODEFENDANT and the codefendant's case number.

Codefendant <u>N/A</u>	Case Number <u>N/A</u>
Codefendant <u>"</u>	Case Number <u>"</u>
Codefendant <u>"</u>	Case Number <u>"</u>

D. TYPE OF APPEAL: Please check the applicable block.

1 <input checked="" type="checkbox"/> State Conviction	4 <input type="checkbox"/> Pretrial Order	7 <input type="checkbox"/> Juvenile Transfer Order	10 <input type="checkbox"/> Other (Specify) <u>RULE 32 PETITION</u>
2 <input checked="" type="checkbox"/> Post-Conviction Remedy	5 <input type="checkbox"/> Contempt Adjudication	8 <input type="checkbox"/> Juvenile Delinquency	
3 <input type="checkbox"/> Probation Revocation	6 <input type="checkbox"/> Municipal Conviction	9 <input type="checkbox"/> Habeas Corpus Petition	

E. UNDERLYING CONVICTION/CHARGE: Regardless of the type of appeal checked in Section D, please check the box beside each offense category for which the appellant has been convicted or charged as it relates to this appeal. Also include the applicable section of the Code of Alabama for State convictions.

1 <input type="checkbox"/> Capital Offense - §	6 <input type="checkbox"/> Trafficking in Drugs - §	11 <input type="checkbox"/> Fraudulent Practices - §
2 <input checked="" type="checkbox"/> Homicide - § <u>13A-6-2</u>	7 <input type="checkbox"/> Theft - §	12 <input type="checkbox"/> Offense Against Family - §
3 <input checked="" type="checkbox"/> Assault - §	8 <input type="checkbox"/> Damage or Intrusion to Property - §	13 <input checked="" type="checkbox"/> Traffic - DUI - §
4 <input type="checkbox"/> Kidnapping/Unlawful Imprisonment - §	9 <input type="checkbox"/> Escape - §	14 <input type="checkbox"/> Traffic - Other - §
5 <input type="checkbox"/> Drug Possession - §	10 <input type="checkbox"/> Weapons/Firearms - §	15 <input type="checkbox"/> Miscellaneous (Specify):

F. DEATH PENALTY:

Does this appeal involve a case where the death penalty has been imposed? ☐ Yes ☒ No

G. TRANSCRIPT:

1. Will the record on appeal have a reporter's transcript? ☒ Yes ☐ No 4/14/04
2. If the answer to question "1" is "Yes," state the date the Reporter's Transcript Order was filed. _____ (Date)
3. If the answer to question "1" is "No":
- (a) Will a stipulation of facts be filed with the circuit clerk? ☐ Yes ☐ No
- (b) Will the parties stipulate that only questions of law are involved and will the trial court certify the questions? ☐ Yes ☐ No

NOTE: If the appeal is from the district or juvenile court and the answer to question "1" is "No," then a positive response is required for question 3(a) or 3(b).

H. POST-JUDGMENT MOTIONS: List all post judgment motions by date of filing, type, and date of disposition (whether by trial court order or by the provisions of Rules 20.3 and 24.4 (ARCrP)):

247

DATE OF FILING			TYPE OF POST-JUDGMENT MOTION	DATE OF DISPOSITION		
Month	Day	Year		Month	Day	Year
10	19	02	A.R.C.R.P., Rule 32	3	30	04

I. NATURE OF THE CASE: Without argument, briefly summarize the facts of the case.

APPELLANT PLEAD GUILTY TO MURDER AND 4 COUNTS OF ASSAULT ST ~~DURING~~ ^{SIX} ~~NINE~~ YEARS AGO
ABOUT AFTER A TRAFFIC ACCIDENT APPELLANT PLEAD GUILTY FOR THE ABOVE OFFENSES,
WHEREBY HE RECEIVED A 25 YEAR SENTENCE.

J. ISSUE(S) ON APPEAL: Briefly state the anticipated issues that will be presented on appeal. (Attach additional pages if necessary)

1.) INEFFECTIVE ASSISTANCE OF COUNSEL. WHEREFORE THE PLAN OF GUILTY WAS NOT KNOWINGLY AND INTELLIGENTLY AND VOLUNTARILY GIVEN BY THE APPELLANT. I.E. COUNSEL NEVER FULLY EXPLAINED THE ELEMENTS THAT CONSTITUTE THE OFFENSES OF MURDER, AND ASSAULT 1ST DEGREE. COUNSEL DID NOT INVESTIGATE THE SCENE OF THE ACCIDENT TO ASCERTAIN THAT OTHER ACCIDENTS PRIOR TO THE INSTANT ONE HAPPENED EXACTLY AT THE SAME PLACE. COUNSEL DID NOT MAKE THE ADVERSARIAL TESTING PROCESS WORK. THE SPEED OF APPELLANT'S CAR WAS CALCULATED ERRONEOUSLY, THE VICTIM'S CAR WAS MAKING AN ILLEGALLY LEFT HAND TURN ON A MAJOR HWY. COUNSEL DID CONSCIOUSLY CONVINCE APPELLANT TO PLEAD GUILTY, EVERY TIME HE SPOKE TO APPELLANT, APPELLANT CANNOT READ PROPERLY OR INTELLIGENTLY, AND HE IS NOT SURE OF COUNSEL READ THE PLEA AGREEMENT THROUGHOUT AND COMPLETELY TO HIM, WHEN HE SIGNED IT IN COUNSEL'S OFFICE. COUNSEL NEVER APPRISED APPELLANT OF CONFIDENTIAL DOCUMENTS.

2.) THE TRIAL COURT SUMMARILY DISMISSED APPELLANT'S RULE 32 PETITION INSTANT ANY FACTUAL FINDINGS AS TO THE ISSUES RAISED THEREIN, ESPECIALLY THE ISSUE OF INEFFECTIVE ASSISTANCE OF COUNSEL, A HEARING IS REQUIRED. APPELLANT DID NOT KNOW OF THE ELEMENTS OF THE OFFENSES THE TRUE DEFENSES, OR OF THE DEFECT IN THE INDICTMENT FOR MURDER.

K. SIGNATURE:

Date _____

44-19-04

Terry L. Lyon
Signature of Attorney/ Party Filing this Form

Unified Judicial System Form ARAP-1C 8/91	REPORTER'S TRANSCRIPT ORDER - CRIMINAL See Rules 10(c) and 11(b) of the Alabama Rules of Appellate Procedure (A.R. App.P.)	REPORT NUMBER <div style="border: 1px solid black; padding: 5px; display: inline-block;">248</div>
---	---	---

TO BE COMPLETED BY COUNSEL FOR THE APPELLANT OR BY THE APPELLANT IF NOT REPRESENTED AND FILED WITH THE WRITTEN NOTICE OF APPEAL OR FILED WITHIN 7 DAYS AFTER ORAL NOTICE OF APPEAL IS GIVEN.

☒ CIRCUIT COURT
 ☐ DISTRICT COURT
 ☐ JUVENILE COURT OF _____ Russell COUNTY
TERLY LIGON Appellant

V. ☒ STATE OF ALABAMA
 ☐ MUNICIPALITY OF _____

Case Number <u>CC-01-0352, 353, 354, 355, 356</u>	Date of Judgment/Sentence/Order <u>11/13/01</u>
Date of Notice of Appeal Oral: _____ Written: _____	Indigent Status Granted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

PART 1. TO BE SIGNED IF THE APPEAL WILL NOT HAVE A COURT REPORTER'S TRANSCRIPT:

I CERTIFY THAT NO REPORTER'S TRANSCRIPT IS EXPECTED AND THAT THE RECORD ON APPEAL SHALL CONSIST OF THE CLERK'S RECORD ONLY IF THE APPEAL IS FROM DISTRICT COURT OR JUVENILE COURT. I ALSO CERTIFY (1) THAT A STIPULATION OF FACTS WILL BE INCLUDED IN THE CLERK'S RECORD AND THAT THE APPELLANT WAIVES HIS RIGHT TO A JURY TRIAL IF SO ENTITLED; OR (2) THAT THE PARTIES HAVE STIPULATED THAT ONLY QUESTIONS OF LAW ARE INVOLVED AND THAT THE QUESTIONS WILL BE CERTIFIED BY THE JUVENILE/DISTRICT COURT FOR INCLUSION IN THE CLERK'S RECORD (SEE RULE 28(A)(1), ALABAMA RULES OF JUVENILE PROCEDURE, AND §12-12-72, CODE OF ALABAMA 1975)

 Signature Date Print or Type Name

PART 2. DESIGNATION OF PROCEEDINGS TO BE TRANSCRIBED. Request is hereby made to the court reporter(s) indicated below for a transcript of the following proceedings in the above referenced case (see Rule 10(c)(2), Alabama Rules of Appellate Procedure (A.R. App.P.)):

MARK PROCEEDINGS REQUESTED:

A. ☒ **TRIAL PROCEEDINGS** - Although this designation will include the judgment and sentence proceedings, a transcript of the organization of the jury and arguments of counsel must be designated separately

B. ☐ **ORGANIZATION OF THE JURY** - This designation will include voir dire examination and challenges for cause. Note that in noncapital cases the voir dire of the jury will not be recorded unless the trial judge so directs. (See Rule 19.4, ARCP)

C. ☐ **ARGUMENTS OF COUNSEL** - Note that in noncapital cases the arguments of counsel will not be recorded unless the trial judge so directs. (See Rule 19.4, ARCP)

	COURT REPORTER(S) <u>Guilty Plea 9/10/01</u> <u>Sentencing, 11/13/01</u>
--	---

IN ADDITION TO ANY PROCEEDINGS DESIGNATED ABOVE, SPECIAL REQUEST IS HEREBY MADE TO INCLUDE THE FOLLOWING PROCEEDINGS IN THE REPORTER'S TRANSCRIPT PORTION OF THE RECORD ON APPEAL (ATTACH ADDITIONAL PAGES IF NECESSARY):

ADDITIONAL PROCEEDINGS REQUESTED	DATE	COURT REPORTER(S)
D. _____	_____	_____
E. _____	_____	_____
F. _____	_____	_____
G. _____	_____	_____

IMPORTANT NOTICE: The court reporter who reported the proceedings for which a transcript is requested must be identified on this form to be effective. Additionally, it is important to note that the appellant may not be permitted to raise any issue on appeal relating to any proceedings in the case that are not specifically designated on this form for inclusion in the reporter's transcript. A general designation such as "all proceedings" is not sufficient. (See Rule 10(c)(2), A.R. App.P.)

PART 3. MUST BE SIGNED IF THE APPEAL WILL HAVE A COURT REPORTER'S TRANSCRIPT:

I CERTIFY THAT I HAVE DISTRIBUTED THIS FORM AS SET OUT BELOW. I ALSO CERTIFY (1) THAT I HAVE MADE SATISFACTORY FINANCIAL ARRANGEMENTS WITH EACH COURT REPORTER LISTED ABOVE FOR PREPARING HIS OR HER PORTION OF THE REPORTER'S TRANSCRIPT HEREIN REQUESTED, OR (2) THAT THE APPELLANT PROCEEDED AT TRIAL AS AN INDIGENT AND THAT THAT STATUS HAS NOT BEEN REVOKED, OR, (3) THAT THE APPELLANT HAS BEEN GIVEN PERMISSION TO PROCEED ON APPEAL IN FORMA PAUPERIS

Terry Ligon 4-19-04 TERLY LIGON
 Signature Date Print or Type Name

DISTRIBUTION Original filed with Clerk of Trial Court and copies mailed to: (1) Clerk of the Court of Criminal Appeals, (2) the District Attorney, (3) the Attorney General or the municipal prosecutor in lieu of the District Attorney and the Attorney General if the appeal is from a municipal conviction, and (4) to each Court Reporter who reported proceedings designated for inclusion in the reporter's transcript

249

Notice of Appeal
To The Court Of Criminal Appeals of Alabama

TERRY LIGON

Appellant

In The Circuit Court

of RUSSELL County.

vs.

Case No.: CC-01-0352-0356

State of Alabama

Appellee

11-13-01

Date of Judgment

&

3-30-04

Post Judgment Order

FILED IN OFFICE
2005 OCT 21 11:20

Notice is hereby given that TERRY LIGON # 220217

appeals to the above-named court from the judgment of conviction

(MURDER & ASSAULT 1ST DEGREE (4x's)) entered in this case on the
or other order describing it

13TH day of NOVEMBER, 2001, adjudging the defendant

to be guilty of the offense of MURDER & ASSAULT 1ST DEGREE (4 counts)

thereof sentencing the defendant as follows: 25 YEARS FOR MURDER, 5 YEARS

FOR E.S. ASSAULT 1ST DEGREE, SENTENCES TO RUN CONCURRENT. TOTAL 25 YEARS.

Filed: _____
Date

Certified as a true copy.

Circuit Clerk

Terry Ligon
Appellant

TERRY LIGON, # 220217

VENTRESS CORRECTION FACILITY

P.O. BOX 767, CLAYTON, AL.

4/19/04

Date

150

NAME Terry L. Lewis AIS # 229217 DORM # 3
 VENTRESS CORRECTIONAL FACILITY
 P. O. BOX 767
 Clayton, AL 36016

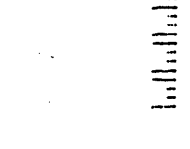
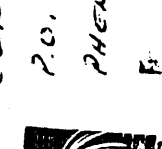
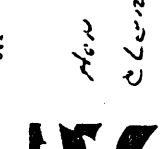
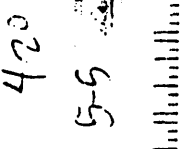
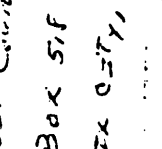
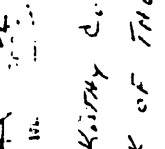
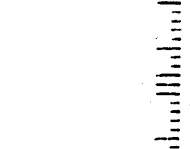
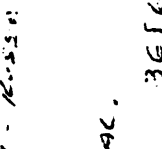
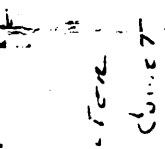
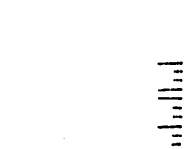
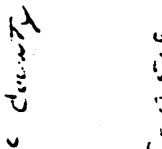
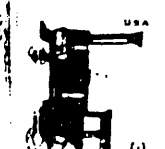
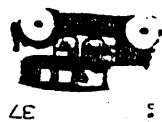
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 TO THE RIGHT OF RETURN ADDRESS.
 FOLD AT DOTTED LINE

CERTIFIED MAIL



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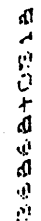
RETURN RECEIPT REQUESTED



Hon Kathy Carter
 Clerk of the Court LE
 Circuit Court - Russell County
 P.O. Box 518
 Phenix City, AL
 36165-0518

420

5-5



ACK 371

ALABAMA JUDICIAL DATA CENTER

NOTICE OF APPEAL TO THE ALABAMA COURT OF CRIMINAL APPEALS

BY THE TRIAL COURT CLERK

IN THE CIRCUIT COURT OF RUSSELL COUNTY

STATE OF ALABAMA VS LIGON TERRY

JUDGE: GEORGE R. GREENE

251

APPEAL DATE: 04/19/2004

INDIGENCY STATUS:

GRANTED INDIGENCY STATUS AT TRIAL COURT:

APP. TRIAL COUNSEL PERMITTED TO W/D ON APPEAL:

INDIGENT STATUS REVOKED ON APPEAL:

INDIGENT STATUS GRANTED ON APPEAL:

YES	NO
YES	NO
YES	NO
YES	NO

DEATH PENALTY: NO

APPEAL TYPE: RULE 32 PETITION

THIS APPEAL IS FROM AN ORDER DENYING A PETITION (I.E., RULE 32 PETITION, WRIT OF HABEAS CORPUS, ETC) OR FROM ANY OTHER ISSUED BY THE TRIAL JUDGE.

CO/CASE NUMBER: 57/00 2001-000256.00

ORDER ENTERED(DATE): 03302004 PETITION: X DISMISSED DENIED GRANTED

POST-JUDGMENT MOTIONS FILED:

DT FILED

DT DENIED

CON BY AGREE

---	MOTION FOR NEW TRIAL	---	---
---	MOTION FOR JUDG. OF ACQUIT	---	---
---	MOTION TO W/D GUILTY PLEA	---	---
---	MOTION FOR ATTY TO W/DRAW	---	---
---	OTHER	---	---

COURT REPORTER(S):

ADDRESS:

WILSON, LINDA S.
C/O HON. GEORGE R. GREENE
PHENIX CITY, AL 36867

APPELLATE COUNSEL #1:

ADDRESS:

PHONE NUMBER:

APPELLATE COUNSEL #2:

ADDRESS:

PHONE NUMBER:

APPELLANT (PRO SE):

ADDRESS:

LIGON TERRY
220217
CLAYTON, AL 360160000

AIS #:

APPELLEE (IF CITY APPEAL):

ADDRESS:

I CERTIFY THAT THE INFORMATION PROVIDED
ABOVE IS ACCURATE TO THE BEST OF MY
KNOWLEDGE AND I HAVE SERVED A COPY OF
THIS NOTICE OF APPEAL ON ALL PARTIES TO
THIS ACTION ON THIS 21st DAY OF April, 04

OPERATOR: JDS

PREPARED: 04/21/2004

Kathy Custer, JBS
CIRCUIT COURT CLERK

ALABAMA JUDICIAL DATA CENTER
 NOTICE OF APPEAL TO THE ALABAMA COURT OF CRIMINAL APPEALS
 BY THE TRIAL COURT CLERK
 IN THE CIRCUIT COURT OF RUSSELL COUNTY
 STATE OF ALABAMA VS LIGON TERRY JUDGE: GEORGE R. GREENE 352

APPEAL DATE: 04/17/2004

INDIGENCY STATUS:

GRANTED INDIGENCY STATUS AT TRIAL COURT: ☒ YES ☐ NO

APP. TRIAL COUNSEL PERMITTED TO W/D ON APPEAL: ☐ YES ☒ NO

INDIGENT STATUS REVOKED ON APPEAL: ☐ YES ☒ NO

INDIGENT STATUS GRANTED ON APPEAL: ☐ YES ☒ NO

DEATH PENALTY: NO

APPEAL TYPE: RULE 32 PETITION

THIS APPEAL IS FROM AN ORDER DENYING A PETITION (I.E., RULE 32 PETITION, WRIT OF HABEAS CORPUS, ETC) OR FROM ANY OTHER ISSUED BY THE TRIAL JUDGE.

CASE NUMBER: 87/CC 2001 000355.60

ORDER ENTERED (DATE): 03302004 PETITION: ☒ DISMISSED ☐ DENIED ☐ GRANTED

POST-JUDGMENT MOTIONS FILED:	DT FILED	DT DENIED	CON BY AGREE
MOTION FOR NEW TRIAL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MOTION FOR JUDGE OF ACQUITT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MOTION TO W/D GUILTY PLEA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MOTION FOR ATTY TO W/DRAW	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OTHER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

COURT REPORTER(S):

ADDRESS:

WILSON, LINDA S.
 C/O HON. GEORGE R. GREENE
 PHENIX CITY AL 36867

APPELLATE COUNSEL #1:

ADDRESS:

PHONE NUMBER:

APPELLATE COUNSEL #2:

ADDRESS:

PHONE NUMBER:

APPELLANT (PRO SE):

ADDRESS:

LIGON TERRY
 320217
 CLAYTON AL 360160000

AIS #:

APPELLEE (IF CITY APPEAL):

ADDRESS:

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND I HAVE SERVED A COPY OF THIS NOTICE OF APPEAL ON ALL PARTIES TO THIS ACTION ON THIS 21st DAY OF April, 04

OPERATOR: JDS
 PREPARED: 04/21/2004

Kathy Carter / JDS
 CIRCUIT COURT CLERK

AL 6-171

ALABAMA JUDICIAL DATA CENTER

NOTICE OF APPEAL TO THE ALABAMA COURT OF CRIMINAL APPEALS

BY THE TRIAL COURT CLERK

IN THE CIRCUIT COURT FOR RUSSELL COUNTY

STATE OF ALABAMA VS LIGON TERRY

JUDGE: GEORGE R. GREENE

153

APPEAL DATE: 04/17/2004

INDIGENCY STATUS:

GRANTED INDIGENCY STATUS AT TRIAL COURT:	YES	NO
APP. TRIAL COUNSEL PERMITTED TO W/D ON APPEAL:	YES	NO
INDIGENT STATUS REVOKED ON APPEAL:	YES	NO
INDIGENT STATUS GRANTED ON APPEAL:	YES	NO

DEATH PENALTY: NO

APPEAL TYPE: RULE 32 PETITION

THIS APPEAL IS FROM AN ORDER DENYING A PETITION (I.E., RULE 32 PETITION, WRIT OF HABEAS CORPUS, ETC) OR FROM ANY OTHER ISSUED BY THE TRIAL JUDGE.

CO/CASE NUMBER: 57/CL 2001 060854.80

ORDER ENTERED (DATE): 03302004 PETITION: X DISMISSED DENIED GRANTED

POST-JUDGMENT MOTIONS FILED:	DT FILED	DT DENIED	CON BY AGREE
MOTION FOR NEW TRIAL			
MOTION FOR JUDG. OF ACQUIT			
MOTION TO W/D GUILTY PLEA			
MOTION FOR ATTY TO W/DRAW			
OTHER			

COURT REPORTER(S):

ADDRESS:

WILSON, LINDA S.
C/O HON. GEORGE R. GREENE
PHENIX CITY, AL 36867

APPELLATE COUNSEL #1:

ADDRESS:

PHONE NUMBER:

APPELLATE COUNSEL #2:

ADDRESS:

PHONE NUMBER:

APPELLANT (PRO SE):

ADDRESS:

LIGON TERRY
220217
CLAYTON, AL 360160000

AIS #:

APPELLEE (IF CITY APPEAL):

ADDRESS:

I CERTIFY THAT THE INFORMATION PROVIDED
ABOVE IS ACCURATE TO THE BEST OF MY
KNOWLEDGE AND I HAVE SERVED A COPY OF
THIS NOTICE OF APPEAL ON ALL PARTIES TO
THIS ACTION ON THIS 21st DAY OF April, 04

OPERATOR: J03
PREPARED: 04/21/2004

Kathryn Coulter JBS
CIRCUIT COURT CLERK

ACR071

ALABAMA JUDICIAL DATA CENTER

NOTICE OF APPEAL TO THE ALABAMA COURT OF CRIMINAL APPEALS
BY THE TRIAL COURT CLERK

IN THE CIRCUIT COURT OF JUDGE: GEORGE R. GREENE

STATE OF ALABAMA VS LIGON TERRY

JUDGE: GEORGE R. GREENE

254

APPEAL DATE: 04/12/2004

INDIGENCY STATUS:

GRANTED INDIGENCY STATUS AT TRIAL COURT:

APP. TRIAL COUNSEL PERMITTED TO W/D ON APPEAL:

INDIGENT STATUS REVOKED ON APPEAL:

INDIGENT STATUS GRANTED ON APPEAL:

YES	NO
YES	NO
YES	NO
YES	NO

DEATH PENALTY: NO

APPEAL TYPE: RULE 32 PETITION

THIS APPEAL IS FROM AN ORDER DENYING A PETITION (I.E., RULE 32 PETITION,
WRIT OF HABEAS CORPUS, ETC.) OR FROM ANY OTHER ISSUED BY THE TRIAL JUDGE.

CO/CASE NUMBER: 57/00 2001 000051.40

ORDER ENTERED DATE: 03302004 PETITION: X DISMISSED --DENIED --GRANTED

POST-JUDGMENT MOTIONS FILED:

DT FILED

DT DENIED

CON BY AGREE

--- MOTION FOR NEW TRIAL

--- MOTION FOR JUDG. OF ACQUIT

--- MOTION TO W/D GUILTY PLEA

--- MOTION FOR ATTY TO W/DRAW

--- OTHER

COURT REPORTER(S):

ADDRESS:

WILSON, LINDA S.
C/O HON. GEORGE R. GREENE
PHENIX CITY AL 36007

APPELLATE COUNSEL #1:

ADDRESS:

PHONE NUMBER:

APPELLATE COUNSEL #2:

ADDRESS:

PHONE NUMBER:

APPELLANT (PRO SE):

ADDRESS:

LIGON TERRY
220317
CLAYTON AL 360180000

AIS #:

APPELLEE (IF CITY APPEAL):

ADDRESS:

I CERTIFY THAT THE INFORMATION PROVIDED
ABOVE IS ACCURATE TO THE BEST OF MY
KNOWLEDGE AND I HAVE SERVED A COPY OF
THIS NOTICE OF APPEAL ON ALL PARTIES TO
THIS ACTION ON THIS 21st DAY OF April, 04.

OPERATOR: JCS
PREPARED: 04/21/2004

Kathy C. Miller / JCS
CIRCUIT COURT CLERK

ALABAMA JUDICIAL DATA CENTER
 NOTICE OF APPEAL TO THE ALABAMA COURT OF CRIMINAL APPEALS
 BY THE TRIAL COURT CLERK
 IN THE CIRCUIT COURT OF THE JUDGE: GEORGE R. GREENE
 STATE OF ALABAMA VS LIGON TERRY

255

APPEAL DATE: 04/19/2004

INDIGENCY STATUS:

GRANTED INDIGENCY STATUS AT TRIAL COURT:	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
APP. TRIAL COUNSEL PERMITTED TO W/D ON APPEAL:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
INDIGENT STATUS REVOKED ON APPEAL:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
INDIGENT STATUS GRANTED ON APPEAL:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

DEATH PENALTY: NO

APPEAL TYPE: RULE 32 PETITION

THIS APPEAL IS FROM AN ORDER DENYING A PETITION (I.E., RULE 32 PETITION, WRIT OF HABEAS CORPUS, ETC) OR FROM ANY OTHER ISSUED BY THE TRIAL JUDGE.

CO/CASE NUMBER: 57/CC 2001 000302.60

ORDER ENTERED (DATE): 03302004 PETITION: ☒ DISMISSED ☐ DENIED ☐ GRANTED

POST-JUDGMENT MOTIONS FILED:	DT FILED	DT DENIED	CON BY AGREE
--- MOTION FOR NEW TRIAL	-----	-----	-----
--- MOTION FOR JUDG. OF ACQUIT	-----	-----	-----
--- MOTION TO W/D GUILTY PLEA	-----	-----	-----
--- MOTION FOR ATTY TO W/DRAW	-----	-----	-----
--- OTHER	-----	-----	-----

COURT REPORTER(S):

ADDRESS:

WILSON, LINDA S.
 C/O HON. GEORGE R. GREENE
 PHENIX CITY, AL 36867

APPELLATE COUNSEL #1:

ADDRESS:

PHONE NUMBER:

APPELLATE COUNSEL #2:

ADDRESS:

PHONE NUMBER:

APPELLANT (PRO SE):

ADDRESS:

LIGON TERRY
 230217
 CLAYTON, AL 360150000

AIC #:

APPELLEE (IF CITY APPEAL):

ADDRESS:

I CERTIFY THAT THE INFORMATION PROVIDED
 ABOVE IS ACCURATE TO THE BEST OF MY
 KNOWLEDGE AND I HAVE SERVED A COPY OF
 THIS NOTICE OF APPEAL ON ALL PARTIES TO
 THIS ACTION ON THIS 21st DAY OF April, 04

OPERATOR: JGS
 PREPARED: 04/21/2004

Kathy Carter / JGS
 CIRCUIT COURT CLERK

156

State of Alabama Unified Judicial System Form ARAP - 14 11/91	CERTIFICATE OF COMPLETION AND TRANSMITTAL OF RECORD ON APPEAL BY TRIAL CLERK	Appellate Case Number C-01-352.60-356.60
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TO: THE CLERK OF
THE COURT OF CRIMINAL APPEALS OF ALABAMA

DATE OF NOTICE OF APPEAL:
4/19/2004

APPELLANT

TERRY LIGON

v.

STATE OF ALABAMA

I certify that I have this date completed and transmitted herewith to the appellate court the record on appeal by assembling in (a single volume of 156 pages) (volumes of 200 pages each and one volume of pages) the clerk's record and the reporter's transcript and that one copy each of the record on appeal has been served on the defendant and the Attorney General of the State of Alabama for the preparation of briefs.

I certify that a copy of this certificate has this date been served on counsel for each party to the appeal.

Dated this 10th day of MAY, 20 04.

Kathy Conlton /SBS
Circuit Clerk

Russell County, Alabama